

Tolson _____
 Belmont _____
 DeLoach _____
 McGuire _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Trotter _____
 W.C. Sullivan _____
 Tele. Room _____
 Holloman _____
 Gandy _____

*current who is 7th
 328 Forest Ave. Northeast
 Cedar Rapids, Iowa*



*let to John E. Randall
 2-26-59
 nml
 WWS*

[Handwritten signature]

The Washington Post and B-5
 Times Herald
 The Washington Daily News _____
 The Evening Star _____
 New York Herald Tribune _____
 New York Journal-American _____
 New York Mirror _____
 New York Daily News _____
 New York Post _____
 The New York Times _____
 The Worker _____
 The New Leader _____
 The Wall Street Journal _____
 Date _____

FEB 25 1959

94-1-367-1145
 ENCLOSURE

February 27, 1959

PERSONAL

111.
Honorable John D. Randall
328 Forest Drive Southeast
Cedar Rapids, Iowa

My dear Mr. Randall:

You have my heartiest congratulations upon your nomination as President of the American Bar Association. This is a real honor which has been accorded you and must indeed be a source of much satisfaction.

My associates and I hope that you will have a most enjoyable and successful term. Please let us know whenever we can be of service to you.

Sincerely yours,

ENCLOSURE
copy 8

REC-8

17 MAR 3 1959

FBI

REC'D-READING ROOM

FEB 27 3 21 PM '59

NOTE: Bufiles reflect that we customarily write the new president of the American Bar Association as Honorable. Files contain no identifiable derogatory information concerning Mr. Randall and no previous correspondence with him. Address per current "Who's Who."

FBI
RECEIVED - 1020H

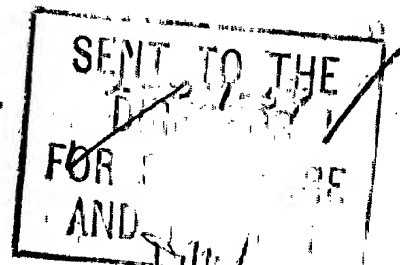
FEB 27 15 21 PM '59

WHS:rjd:blj (3)

Tolson _____
Belmont _____
DeLoach _____
McGuire _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

66 MAR 6 1959

MAIL ROOM ☐ TELETYPE UNIT ☐



February 27, 1959

[redacted]
Cincinnati, Ohio

Dear [redacted]:

Inspector H. L. Edwards has advised me of your outstanding assistance to him during his recent attendance at the midyear meeting of the American Bar Association in Chicago. He told me you and [redacted] went far out of the way in helping him to become acquainted with many members of the Association and otherwise oriented to the numerous proceedings and activities on the agenda.

Although Mr. Edwards has personally thanked you, I did not want the opportunity to pass without letting you know how greatly I appreciated your continued interest in this Bureau and its work which, I am sure, constituted a major factor in your kindnesses toward a representative of this organization. Mr. Edwards has also reported to me numerous complimentary statements made by you concerning some phases of the Bureau's work for which I am indeed appreciative.

Sincerely yours,

1 - Cincinnati

NOTE: See memo, DeLoach to Tolson, dated 2/26/59, captioned "American Bar Association (ABA), Mid-Year Meeting, Chicago, 2/20/24/59." HLE:sak

HLE:geg sl

(4)

6 MAR 6 1959

MAIL ROOM ☐ TELETYPE UNIT ☐

b6
b7C
b7D

FEB 27 3 21 PM '59
REC'D-READING ROOM
FBI

17 MAR 3 1959

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 3/25/59

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 2573-2574, Congressman Celler, (D) New York, spoke concerning the report submitted by the board of governors of the American Bar Association (ABA) dealing with security and recommending reversal of a number of decisions of the Supreme Court. Mr. Celler stated 'It is most unseemly for the Special Committee of the American Bar Association on Communist Tactics and Strategy to charge that the Court has 'encouraged an increase in Communist activities and created a widespread public impression that resort to the judicial process is the means whereby subversives will be freed to go forth and further undermine our Nation.' This is a maligning of the Supreme Court which is most irresponsible. I say this in the light of the fact that the Communist Party has been reduced to a membership of 5,000 members in the United States and that subversion is under effective control by the FBI and other agencies while this committee would castigate the Supreme Court for its studied opinions and judgments. He went on to state 'May I suggest that my fellow members of the ABA take a long, hard look at the proposals of their committee with a view toward achieving a position consonant with both individual liberties and the realities of subversion.'

ORIGINAL COPY FILED IN 100-1-1600

74 1-367
NOT RECORDED
141 MAR 5 1959

In the original of a memorandum captioned and dated as above, the Congressional Record for 3/24/59 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

62 MAR 11 1959

PERS. FILES

February 27, 1959

Honorable Ross L. Malone, Jr.
1511 West Seventh Street
Roswell, New Mexico

My dear Mr. Malone:

Inspector H. L. Edwards advised me on his return from attending the midyear meeting of the American Bar Association in Chicago that he had the opportunity of making your acquaintance and that you had requested him to extend your personal regards to me of which I am very appreciative.

Mr. Edwards submitted a summary of some of the high lights of the meeting including the fact that your report to the House of Delegates as President of the Association evoked very favorable comment. I personally feel the Association under such dedicated leadership can meet a real challenge and be an instrument of immeasurable good in preserving the American way of life which we cherish.

Sincerely yours,

94-1-369-1147

12 MAR 3 1959

REC'D-READING ROOM

FEB 27 3 21 PM '59

NO. DeLoach to Tolson memo dated 2/26/59, captioned "American Bar Association (ABA), Mid-Year Meeting, Chicago, 10-24/59." Bureau references favorable.

HLE:sl:blj

(3)

53 MAR 5 1959

MAIL ROOM ☐ TELETYPE UNIT ☐

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach *DL*

DATE: March 2, 1959

FROM : M. A. Jones *MAJ*SUBJECT: JOHN CREIGHTON SATTERFIELD,
DEFEATED CANDIDATE, PRESIDENT
AMERICAN BAR ASSOCIATION (ABA)

Tolson	_____
Belmont	_____
DeLoach	_____
McGuire	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
W.C. Sullivan	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

PURPOSE:

To set forth data re Satterfield who was defeated for the nomination as new president of the ABA. He is likely to run again and Bureau representatives will have continued contact with him.

BIOGRAPHICAL DATA:

The current Who's Who reflects that Satterfield was born 7-25-04 at Gibson, Mississippi. He received the LL.B. degree from the U. of Mississippi in 1929 and has practiced law in Jackson, Mississippi since then. He is a member of numerous organizations and is a Democrat, Methodist and a Mason. Both his office and home are in Jackson, Mississippi.

The 1958-59 ABA Directory lists Satterfield's address as Box 466, Yazoo City, Mississippi. He is a Mississippi State Delegate to the ABA, is a member of the Jurisprudence and Law Reform Committee, is a member of the Continuing Legal Education Committee and also is on the Joint American Law Institute - ABA Committee on Continuing Legal Education, and is Chairman of the Economics of Law Practice Committee of the ABA.

DATA IN BUFILES:

Satterfield has come to the attention of the Bureau in his capacity as President of the Circuit Riders, Inc., a Methodist action group which is concerned with the communist menace. In May, 1954, he spoke to Mr. DeLoach re communist infiltration into the Methodist Church and what they planned to do about it.

1 - Mr. H. L. Edwards

HEH:sfc

(6)

57 MAR 10 1959

EX-13

REC-91

94-1-319-7148
WV
 C-1

Jones to DeLoach Memo
March 2, 1959

Bufiles reflect Satterfield, former president of the Mississippi Bar Association, has been a frequent speaker at pro-segregation rallies sponsored by Citizens Councils. He claims not to be anti-Negro but to be anti-integration and anti-NAACP.

RECOMMENDATION:

None. For information.

Ag. Johnson

2-26-59

Mr. Tolson	_____
Mr. Belmont	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

Mr. Tolson:
"New York Post"

File

The attached newspaper clipping from the editorial page of the "New York Post," issue of February 23, 1959, reflects the extent this paper will go to regarding the FBI.

The said editorial attempts to tag the American Bar Association as a "front-organization for the Justice Dept. and the FBI whose carelessness in the realm of civil liberty has been the target of the court's rebukes?" (Supreme Court.)

Respectfully,

✓ *D*

C. D. DeLoach

CDD:MAH
(2)

Enclosure

ENCLOSURE

MAR 6 1959

CRIME REC.

[Signature]

194-1-369
NOT RECORDED
145 MAR 9 1959

57 MAR 11 1959

ORIGINAL COPY FILED IN 94-1-369-224

Mr. Tolson	_____
Mr. Belmont	_____
Mr. DeLoach	_____
Mr. McGuire	_____
Mr. Mohr	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Trotter	_____
Mr. W.C. Sullivan	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

Front-Organization?

In the long interval when America's liberties were under attack from the late Sen. McCarthy and his mob, the national leaders of the American Bar Assn. were alternately silent and evasive.

Now, in the aftermath, the barons of the bar have discovered that the peril to America's freedom lies in a series of Supreme Court decisions reaffirming our liberties and challenging the excesses of the Justice Dept. These decisions, says a manifesto issued by the governors of the association, "encourage and increase" Communist activity.

This remarkable pronouncement comes at a time when the U. S. Communist Party is at its lowest ebb in three decades, with its membership reduced to less than 5,000.

All of which raises the simple question: Is the ABA anything more than a front-organization for the Justice Dept. and the FBI whose carelessness in the realm of civil liberty has been the target of the court's rebukes?

"New York Post"
New York, New York
February 23, 1959

94-1-369
ENCLOSURE

February 27, 1959

Representative Emanule Celler
Washington, D.C.

Dear Sir:

Your criticism of the American Bar Association's criticism of the Supreme Court is normally understandable. I sincerely hope you being in high government responsibility have not lost sight of what we who travel outside of the United States can too plainly see. We are not in a normal situation. We are in a personal life and death fight with Communism.

The head and self announced heathen murderer, Krushchev, has told the world he will bury us. He is not kidding, as judged by his henchmen's actions.

His cut throat sneaking liars here are here solely and willfully to weaken this country. They pose in all walks of life and take advantage of freedom to seek to destroy both freedom and belief of God.

For the sake of our lives enact laws to enable our police, FBI and people to successfully rid our nation of Communists. For the sake of all humanity enact laws to fight Communism everywhere on earth, it seeks to establish the Godless, unspeakable reign of horror.

This is not a story book or picture show but comes also from the hundreds of thousands fleeing Czechoslovakia, East Germany, Hungary, Rumania, Bulgaria, Lithuania, Latvia, Estonia, Poland and those who have gone to Israel to even face life's threat again.

United States alone stands between Krushchev and world enslavement. Can any of us even imagine the hatred this frustration brings to his sadistic and warped mind.

Let's save our family by using every means now.


Willoughby, Ohio

b6
b7C

ENCLOSURE

44-1-369-1149

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 2-26-59

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages A1470-A1491, Congressman Scherer, (R) Ohio, pointed out that the American Bar Association (ABA) overwhelmingly adopted the report of its Special Committee on Communist Tactics, Strategy, and Objectives. Mr. Scherer advised that this excellent report, resulting from an exhaustive study by this most competent committee, calls for legislative action by the Congress and should be read and its recommendations carefully considered by every Member of the House and the Senate. The substance of this report has been previously brought to the attention of the Bureau, pointing out the ABA's criticism of the Supreme Court and their decisions regarding subversive matters. The report points out the current tactics of the Communist Party and how the rulings of the Supreme Court have restricted the FBI investigation of subversive matters. It points out that the Communists have attacked the FBI and the Director. The report also cites matters relating to communism from the Director's book "Masters of Deceit" and it also makes certain recommendations for reading books on communism, which includes "Masters of Deceit." It is noted that Mr. Louis B. Nichols is a member of this special committee.

Original filed in:

66-1731-1000

53 MAR 19 1959

94-1-369-
NOT RECORDED
46 MAR 17 1959

In the original of a memorandum captioned and dated as above, the Congressional Record for Feb 25, 1959 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach

DATE: February 24, 1959

FROM : M. A. Jones

C
SUBJECT: FULTON LEWIS, JR.
AND 3-STAR EXTRA RADIO PROGRAMS
FEBRUARY 24, 1959

Tolson ☒
Belmont ☒
DeLoach ☒
McGuire ☒
Mohr ☒
Parsons ☒
Rosen ☒
Tamm ☒
Trotter ☒
Wick ☒
Tele. Room ☒
Holloman ☒
Gandy ☒

Tonight both Fulton Lewis, Jr. and the 3-Star Extra made prominent mention of the American Bar Association meeting in Chicago. The 3-Star Extra reported that the American Bar Association had adopted a resolution which, in effect, accused the Supreme Court of being easy on communists and which called upon Congress to "plug up loopholes" in the law that have developed as a result of Supreme Court decisions.

Fulton Lewis, Jr., gave more detailed coverage to the American Bar Association's action. He called it a "major breakthrough" in resistance against recent Supreme Court decisions in security-type cases. He said that the American Bar Association "threw the book" at the Supreme Court with regard to 24 of its recent decisions dealing primarily with communism and that the American Bar Association called upon Congress to enact legislation to repair the damage done by these decisions. Both Fulton Lewis and the 3-Star Extra specifically mentioned one of the American Bar Association resolutions which would guarantee that State statutes would have an equal or concurrent status with the Federal statutes in the security field.

Fulton Lewis mentioned that Louis B. Nichols, "former, Deputy Director of the FBI," was a member of the American Bar Association Committee which studied this problem and came forward with the resolutions which were passed "overwhelmingly" in Chicago today. He stated that [redacted] of California (former Chairman of the Commission on Government Security) was outspoken in advocating the adoption of the resolutions. He stated that Congressman Emanuel Celler of New York has denounced the American Bar Association's action.

RECOMMENDATION:

None. For information.

2 1959

NOT RECORDED

MAR 10 1959

52 MAR 12 1959

ORIGINAL COPY FILED IN 94-4-2189-397

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: January 26, 1959

FROM : Mr. F. J. Baumgardner

SUBJECT: AMERICAN BAR ASSOCIATION RESOLUTION
(SECURITY LEGISLATION)

Tolson	_____
Belmont	_____
Mohr	_____
Nease	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
W.C. Sullivan	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

The House of Delegates

On January 24, 1959, the Bureau received a draft of a proposed resolution to ~~be prepared~~ prepared by the Special Committee on Communist Tactics, Strategy and Objectives of the American Bar Association (ABA).

The following is an analysis of this proposed resolution.

I. While members of the ABA viewed some recent Supreme Court decisions in the Security field as unsound and incorrect, the Association disapproves any proposals whether by omnibus bill or otherwise, to limit the jurisdiction of the Supreme Court. This should only be done by constitutional amendment. The Association feels that where internal security is weakened or technicalities are invoked against the protection of the nation, then corrective legislation should be enacted by Congress. *this phase is to be eliminated in Committee*

II. Recent decisions of the Supreme Court in Congressional contempt cases have impeded the work of Congressional committees investigating internal security and communist activities. Therefore, the ABA recommends that each house of Congress rewrite and adopt a resolution setting forth that the purpose of the committee is to study the operation of existing law and the requirements of further legislation. Thereafter, the resolution should state thoroughly, carefully and precisely the power of the committee and this information should be stated on each subpoena issued by the committee.

III. Recent Supreme Court decisions in the security field have created problems involving the safeguarding of national and state security. Each such decision should be promptly and carefully studied by Congress and separate amendments to the laws involved should be prepared and passed so as to remove any doubt as to Congressional intent and to remedy any defects in the laws which were revealed by the Supreme Court's decisions. The following specific legislation was recommended:

1 - Mr. Belmont

1 - Mr. Bland

1 - Mr. Nease

1 - Mr. Branigan

1 - Mr. Mohr

1 - Mr. Reddy

1 - Mr. Baumgardner

EBR:pat
(8)

ENCLOSURE

50 MAR 12 1959

1 94-1-369
NOT RECORDED
145 MAR 9 1959

4 MAR 6 1959

ORIGINAL COPY FILED IN 66-18747-319

Memorandum for Mr. Belmont
RE: AMERICAN BAR ASSOCIATION RESOLUTION
(SECURITY LEGISLATION)

A) Smith Act of 1940 -

1) The word "organize" should be defined to indicate a continuing process so that the statute of limitations cannot be successfully invoked. (The Supreme Court held the Communist Party was organized in 1945 and any indictment returned after 1948 was invalid under the statute of limitations.)

2) The provision which makes it a crime to teach and advocate violent overthrow of the U. S. Government should be restored to the act. (The Supreme Court held mere teaching and advocating the overthrow of Government was no violation of the Smith Act unless such teaching and advocating incite to action.)

3) The ABA feels the Government should not be forced to delay invoking judicial process until the damage has been done. While the freedoms guaranteed by our Constitution must always be championed, Americans must be protected from that which goes beyond discussion and tends to incite efforts to overthrow Government by force.

B) Security of Government Employees -

1) Restore to the executive branch of Government the right to determine and dismiss if required, those who are security risks in both sensitive and nonsensitive Government positions.

2) The right of each branch of the Government should be established to dismiss any employee who refuses to answer, before a Congressional committee or before duly authorized officers of either the executive or judicial branches of the Government, queries concerning communist, communist front or subversive affiliations.

C) Aliens

The right of the executive branch of the Government should be restored to interrogate aliens awaiting deportation concerning their subversive activities and associations. The right of the executive branch of the Government should be restored to deport aliens who are communists at any time after they enter the U. S. This should be done consistent with due process and orderly procedure.

Memorandum for Mr. Belmont
RE: AMERICAN BAR ASSOCIATION RESOLUTION
(SECURITY LEGISLATION)

D) Passports -

The right should be restored to the executive branch of the Government to deny passports to persons knowingly engaged in subversive activities designed or intended to further international communism. Clear and unequivocal criteria and standards governing the issuance of passports should be established by legislation. The Secretary of State should be specifically authorized, in a limited number of cases of extreme emergency, to withhold passports in the national interest. The withholding would be based on confidential information certified as authentic by Foreign Service officers or officials of authorized intelligence agencies. Espionage agents should be prevented from leaving the country to carry out espionage or to escape disclosure and prosecution. Any legislation enacted should establish hearing procedures to insure due process of law.

E) Foreign Agents Registration Act -

The effectiveness of this act should be restored by requiring agents of foreign principals, who are outside the U. S. but who are disseminating their political propaganda within the U. S., to label their propaganda for what it is.

F) Communist Attorneys -

The right should be restored to the individual states to disbar lawyers who are members of the communist conspiracy or who refuse to testify concerning their communist activities.

IV. The record of the Senate Subcommittee on Internal Security and the House Committee on Un-American Activities is one of accomplishments and achievements and continuation of the committees is essential to the enactment of sound security legislation. The ABA recommends that such committees maintain liaison with intelligence and security agencies and with the Attorney General to assure intimate acquaintanceship with problems in the security field. These committees can recommend necessary corrective legislation; provide Congress with assurance, if necessary, when situations arise which render it impossible for security and intelligence agencies to disclose their actions publicly, or when such agencies become the targets of inspired propaganda attacks designed to curb their effectiveness.

Memorandum for Mr. Belmont
RE: AMERICAN BAR ASSOCIATION RESOLUTION
(SECURITY LEGISLATION)

OBSERVATIONS:

The attached resolution containing the legislation recommended by the American Bar Association has been reviewed and discussed with the various sections of the Bureau which handle the phases of the Bureau's work affected by the legislation. Realizing that the Bureau will not be publicly identified with the ABA resolution, there appears to be nothing to which the Bureau would object with the following exceptions:

1) Passports - Pages five and six. -- The ABA recommends legislation which would authorize the Secretary of State, in cases of extreme emergency, to withhold a passport in the national interest "based upon confidential information certified as authentic by ranking Foreign Service officers or a ranking official of an authorized intelligence agency." While passport legislation is urgently needed, the above-quoted provision would require the Bureau not only to furnish the facts to the Department of State but to evaluate the information as to its authenticity. While it is true that the Bureau evaluates its informants as to reliability, the above-quoted proposal would put the Bureau in the position of collecting the facts and acting as a judge and jury. The Bureau should definitely not be placed in such an unsound position.

2) Congressional Committees - Page seven -- The ABA recommends that such committees as the Senate Subcommittee on Internal Security and the House Committee on Un-American Activities be maintained and further recommends that such committees maintain liaison with the intelligence and security agencies as well as with the Attorney General of the U. S. to the end that they might become intimately acquainted with the day-to-day problems of security matters which arise. It is not believed that the Bureau should approve a resolution which might obligate us to furnish confidential information to congressional committees. Our position always has been that we do not furnish confidential information to congressional committees since they are not a part of the executive branch of the Government.

ACTION:

This memorandum has been prepared pursuant to Mr. Tolson's request.

see
for
answer
I will call
above to
Nichols
attention

February 27, 1959

Mr. J. Edgar Hoover
Federal Bureau of Investigation
Washington, D. C.

encl
0

Dear Sir:

Please read the attached copy of letter to
Representative Celler.

When you find time I would sincerely appreciate
your personal views and comments.

Respectfully,



b6
b7C

Willoughby, Ohio

Encl.

C

EX 105

REC-55

94-1-369-1149

MAR 9 1959

ENCLOSURE

nml
ack 3-5-59
DCI

CRIME REC
[Signature]

March 6, 1959

REC-55

94-1-1149

[Redacted]

Willoughby, Ohio

Dear [Redacted]:

Your letter dated February 27, 1959, with enclosure, has been received, and I want to thank you for making your observations available. Enclosed are some publications which express my views along the lines you mentioned.

Sincerely yours,

John Edgar Hoover
Director

Enclosures (3)
Struggle on a New Plane
God and Country or Communism
Communist "New Look"

NOTE: Correspondent is not identifiable in Bufiles.

DCL:jc
(3)

Tolson _____
Belmont _____
DeLoach _____
McGuire _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

MAILED 30
MAR 6 - 1959
COMM-FBI

MAR 13 1959

MAIL ROOM TELETYPE UNIT

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach

DATE: February 27, 1959

FROM : M. A. Jones

95-1-1

SUBJECT: JOHN DANIEL RANDALL
PRESIDENT-NOMINEE
② AMERICAN BAR ASSOCIATION (ABA)

summary

Tolson	_____
Belmont	_____
DeLoach	_____
McGuire	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
W.C. Sullivan	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

PURPOSE:

To set forth background information re Randall who was nominated to be the next President of the ABA at the recent meeting in Chicago. In all probability he will assume the presidency at the annual meeting in August, 1959, at Miami, Florida.

BIOGRAPHICAL DATA:

According to the current Who's Who, Randall was born 11/30/1899 at Lisbon, Iowa. He received the LL. B. degree from the U. of Iowa in 1923. He has been active in numerous organizations. He is a Republican, Presbyterian, Mason and a Shriner and is the author of articles on unauthorized practice of law. His home and office are located in Cedar Rapids, Iowa.

The 1958-59 ABA Directory reflects that Randall is a member of the House of Delegates and is a former Chairman of this body. He is also on the National Conference of Lawyers and Representatives of the American Bankers Association, Trust Division, representing the ABA.

C

EX-135

DATA IN BUFILES:

REC-12 94-1-369-1150

In September, 1954, a White House name check request was received re Randall who was being considered for membership on the John Marshall Bicentennial Commission. Sherman Adams was advised that Randall had not been subject of Bureau investigation and Bufiles contained no information identifiable with him. (62-60527-39892).

- 1 - Mr. H. L. Edwards
- 1 - Mr. Dalbey
- 1 - Mr. Hoxie

MAR 9 1959

HEH:sfc
(9)

1164
66 MAR 12 1959

[Handwritten signature]
Brow

Jones to DeLoach Memo
February 27, 1959

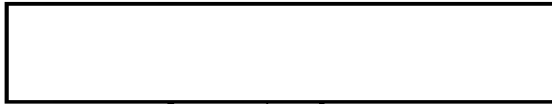
The "Daily Worker" of September 19, 1955, reported that Randall, Chairman of the House of Delegates of the American Bar Association, participated in Constitution Day observances in Washington on the previous day. (62-102241-A)

Other references in Bufiles merely indicate Randall was Chairman of the House of Delegates of the ABA during 1955-56 and the fact that he was being considered along with John Satterfield and Whitney North Seymour for the next presidency of the ABA. (94-1-369-994, 1137)

RECOMMENDATION:

None. For information.

DW



Rockaway Park, N. Y.

b6
b7C

Mr. Tolson	_____
Mr. Belmont	_____
Mr. DeLoach	_____
Mr. McGuire	_____
Mr. Mohr	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Trotter	_____
Mr. W.C. Sullivan	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

Feb 25, 1959

Mr. J. Edgar Hoover:

Just a few words of
Encouragement to let you know there are
up
millions of Americans thanking God daily
and praying for guidance for a man like you
if enough people will back the American
Bar Association with their appeal to Congress
to seal up the loopholes in the Supreme
Court, so those communis will not slip
through after you and your good name
suffers & call them

90T XI

REC-25

94-1-369-115

Keep up the good work
Success & Prosperity

25 MAR 12 1959



EXP. PROC.

MAR 5 1959

ack 3/10/59, DCg
nmL

March 10, 1959

REC-25

74-1-367-1151

[Redacted]

Rockaway Park, New York

Dear [Redacted]

b6
b7C

Thank you for your thoughtful and encouraging letter which I received March 5, 1959. My associates and I deeply appreciate your support, and we sincerely hope that our efforts will continue to merit your confidence.

Sincerely yours,
J. Edgar Hoover

Mar 10 2 46 PM '59
REC'D-READING ROOM
FBI

MAILED 30
MAR 10 1959
COMM-FBI

NOTE: Bufiles reflect no record for [Redacted]

Tolson _____
Belmont _____
DeLoach _____
McGuire _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
Cullivan _____

DCJ:mbb
(4)

MAIL ROOM [] TELETYPE UNIT []

DO-6

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Feb. 25, 1959 ✓

Mr. J. Edgar Hoover:

Just a few words of encouragement to let you know there are millions of Americans thanking God daily and praying for guidance for a man like you. If enough people will back the American Bar Association with their appeal to Congress to sew up the loopholes in the Supreme Court, so those commies will not slip through after you and your good men expose & catch them.

Keep up the good work.

Success & Prayers

/s/

[Redacted Signature Box]

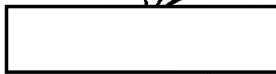
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March 5, 1959

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Mr. Cartha D. DeLoach
United States Department of Justice
Federal Bureau of Investigation
Washington 25, D.C.

Deke
Dear Mr. DeLoach:

I have your letter of February 24 and wish to thank you again for your kindness in arranging reservations for us.

It was indeed a pleasure to meet Lynn Edwards and to spend the several days with him in Chicago at the bar meeting. After leaving him the afternoon of Tuesday, February 24th, several things happened which may be of interest. My wife and I stepped into the Yatch Club of the hotel for a few minutes prior to having dinner and happened to be seated at the table next to Mr. Whitney North Seymour and his wife. The two were talking quite openly with a third person who was in turn at the next table and later joined them and it was impossible not to hear part of their conversation. They expressed the opinion that Mr. Peter Campbell Brown was "terrible" and "blew his top" in presenting his report of the Special Committee on Communist Tactics, obviously referring to his reply concerning the requirement of a reply as to communist affiliation by government employees. Further they said that the chairmanship of the committee must have "gone to his head".

Later in having dinner in the Rib Room of the hotel Mr. Rufus King came in alone and joined us at dinner. I did not bring up the subject but before leaving he reminded me of our prior discussions as to the smear of the F.B.I. and asked that I give him more material on the subject with a possible view of taking action at the Annual Meeting. Please let me know whether you will send data to Mr. King or whether you prefer to make it available to me for relay to him. Ed Mason has already given me much data which you sent to him and I will hold it until I hear from you.

Lynn has probably told you that [redacted] and I plan attending the Regional Meeting of the bar which will be held in Pittsburgh March 10th through 13th. The meeting should be an interesting one. It might be helpful if Lynn were there to continue his contacts.

Best wishes,

Sincerely,

P.S. Ed tells me Lynn will be at Pittsburgh. Good!

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AMERICAN BAR ASSOC.

February, 1959 - #42

AMERICAN BAR ASSOCIATION

~~/~~REPORT OF THE ~~/~~SPECIAL COMMITTEE ON
COMMUNIST TACTICS, STRATEGY AND OBJECTIVES

FOREWORD

International Communism continues its world-wide conquest with the same vigor which has enabled it to bring 900,000,000 people under its control while covering one-quarter of the earth's surface. In these United States its threat increases as far too many of us fail to comprehend its sinister purpose. The objective of world-wide Communism has never changed - only do its tactics change in order to more effectively infiltrate life in America, to lower resistance to its propaganda and to cripple our defenses against this tyrannical and deadly way of life.

There is not one home in our land which is not affected by Communism in some manner. Above all, our national economic security has been undermined by the necessity of building our defenses against the threat of Soviet aggression and through the Red impact on World Trade. The United States Gold Reserves are becoming alarmingly low. Our country is the lone nation in the civilized world which admits foreign capital from undisclosed owners.

Our internal security has been weakened by a lackadaisical attitude on the part of the public and technicalities raised in judicial decisions which too frequently in the public mind have had the effect of putting on trial the machinery of the judicial process and free the subversive to go forth and further undermine our nation. Lenin once stated as a prerequisite for a revolutionary situation which the Communists could exploit, the fact that "The ruling classes can no longer govern." Must we admit that we have reached that point?

The Soviet advances in seeking superiority in the control of space have doubtless been aided by the theft of secrets from American Scientists in the same manner in which the Soviets gained the know-how to develop Nuclear weapons. Should the United States come under attack, it will then be too late to allocate responsibility. Corrective action must be taken now. Time is running out on us.

ENCLOSURE 94-1-369-1153

NOTE: Reports of Sections or Committees of the American Bar Association, prepared for submission to the House of Delegates, are NOT to be construed to represent the official policy of the Association. Reports containing policy recommendations reflect Association policy ONLY as and when these recommendations are acted upon by the House of Delegates. Reports containing no recommendations for specific action by the House of Delegates are merely informative; they represent only the views of the Section or Committee submitting them.

It is now an established fact that every institution, every force and every person actively engaged in the forefront of the defense of our country against the rising menace of Communism becomes the target of attack and vilification by Communists, Crypto-Communists, fellow-travelers, their stooges and innocent but beguiled persons.

The agencies of Government charged with protecting our internal security have demonstrated by past performance their ability to protect our Nation. We take pride that a lawyer, Director J. Edgar Hoover of the Federal Bureau of Investigation, and his staff, composed largely of lawyers and others with legal training, have been in the forefront most often under very difficult circumstances. In war and peace the FBI has demonstrated the ability to carry out its responsibilities to the American people in a truly American manner avoiding the excesses of both the NKVD and the Gestapo. It therefore merits the wholehearted support and continued confidence of the Bar and of the American public.

The fight to keep America free and secure must be strengthened by providing those agencies of our Government which are responsible for our internal security with the means to maintain the security of our shores; the fight for a free America cries out for a furthering of the educational program to combat the evil ideas of Communism with truth, and the American Bar's responsibility has never been so great as at the present time to assume leadership in the preservation of the freedoms so gallantly won by our forefathers.

REPORT OF THE SPECIAL COMMITTEE ON
COMMUNIST TACTICS, STRATEGY AND OBJECTIVES

RECOMMENDATIONS

I.

WHEREAS, the Supreme Court of the United States and an independent judiciary created by the Constitution have been and are the ultimate guardians of the Bill of Rights and the protectors of our freedom, and as such it is the duty of the members of the Bar to defend the Institutions of the Judiciary from unfair and unjust attacks; and

WHEREAS, this Association recognizes that sharp differences have been expressed as to the soundness of some of the recent decisions of the United States Supreme Court affecting the National and State security, with particular reference to the activities of domestic and foreign Communists within our country; and

WHEREAS, such differences have given rise not only to severe criticisms of the decisions, but unfortunately to condemnation of the Court itself, and to omnibus proposals for limiting its Appellate jurisdiction and

WHEREAS, while members of this Association view some of the decisions to be unsound and incorrect, they deem such broad omnibus proposals at this time unwise and likely to create more problems than they will solve;

THEREFORE, BE IT RESOLVED that the American Bar Association disapprove proposals to limit any jurisdiction vested in the United States Supreme Court by the Constitution.

BE IT FURTHER RESOLVED that wherever there are reasonable grounds to believe that as a result of court decisions Internal Security ^{has been discov} is ~~weak-
ened, or wherever technicalities are invoked against the protection of our~~
Nation, remedial legislation be enacted by the Congress of the United States, including a specific pronouncement of Congressional intention that state statutes proscribing sedition against the United States shall have concurrent enforceability.

II.

WHEREAS, recent declarations by the United States Supreme Court (notably in Watkins vs. U. S. 354 U. S. 178) have been construed as holding that the House of Representatives has not spelled out with sufficient clarity or detail

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the authority granted to the Committee on Un-American activities and queries whether the said Committee has been carrying out properly its Congressional mandate, which interpretation has resulted in the reversal of trial court convictions for contempt of Congress; and

WHEREAS, it has been deemed by many members of the Congress, the Bar and the public that such declarations and interpretations thereof tend to impede the work of the Congress through its Committees and thereby create a problem, the solution to which must be found; and

WHEREAS, it is the view of this Association that the quickest and best solution is for The House of Representatives to rewrite its resolution of authority to its Congressional Committee investigating internal security and Communist activities in terms so thoroughly, carefully and precisely worded as to leave no area for reasonable misunderstanding or evasion;

NOW, THEREFORE, BE IT RESOLVED that this Association recommend to the Congress that the House of Representatives rewrite and adopt its basic resolution of authority for the Committee on Un-American Activities under the same name or such name as such Legislative Body shall designate setting forth that the purpose in creating said Committee is to study the operation of existing laws and the requirements of further legislation, in addition to defining clearly and adequately the powers of such Committees.

III.

WHEREAS, your Committee deems it advisable that the precise terms of the basic authority of the Congressional Committee which subpoenas the witness to appear and testify should be made available to each witness subpoenaed, for his enlightenment in advance of the hearing;

NOW, THEREFORE, BE IT RESOLVED that this Association recommends to the Congress that whenever any of its Committees subpoenas a witness to appear and testify or to give evidence, such Committee should furnish the witness at the time he is subpoenaed with a copy in writing of the precise terms of the basic authority of the Committee.

IV.

WHEREAS, recent decisions of the United States Supreme Court, in cases involving National and State security and with particular reference to Communist activities, have been severely criticized and deemed unsound by many responsible authorities; and

WHEREAS, problems of safeguarding National and State security have been exposed or created thereby which this Association feels would be best solved by the careful study of each decision, and the prompt enactment of sound amendments to existing laws within the Constitutional powers of the Congress;

NOW, THEREFORE, BE IT RESOLVED that this Association recommend to the Congress the prompt and careful consideration and study of recent decisions of the United States Supreme Court and the preparation and passage of separate amendments to the laws involved so as to remove any doubt as to the intent of the Congress, and to remedy any defect in the existing law revealed by the decisions.

BE IT FURTHER RESOLVED that legislation be promptly enacted to eliminate obstacles to the preservation of our internal security in the following areas:

(a) ^{Amend} ~~Restore to~~ the Smith Act ^{to} ~~a definition~~ ^e of the word "organize" to include the recruitment of new Party Members, the formation of new Party Units, and the regrouping, expansion or other activities of an organizational nature performed by members of existing clubs, ^{or} classes and other units so as to insure the applicability of this section of the Act to Communist actionists, agents, organizers, colonists or members currently performing organizational work.

(b) ^{Amend} ~~Restore to~~ the Smith Act ^{to make} ~~the provision which constitutes it a crime~~ ^{to} intentionally to advocate the violent overthrow of the Government of the United States or to teach the necessity, desirability, or duty of seeking to bring about such overthrow; in order that (1) this Nation might take protective steps to prevent acts which, if not prevented, could result in bloodshed and treachery; and (2) this Nation need not be forced to delay the invoking of the judicial process until such time as the resulting damage has already been wrought. (See Yates v. U. S.).

(c) ~~Restore and~~ ^E establish the right of each Branch of Government to require as a condition of employment that each employee thereof shall not refuse to answer a query before a duly constituted Committee of the Congress or before duly authorized officers of either the Executive or Judicial Branches of the Government with respect to Communist, Communist front or other subversive activities or any other matter bearing upon his loyalty to the United States, as the Government has a right to know his record.

(d) ^{Invest in} ~~Restore to~~ the Executive Branch of the Government the right to protect our internal security against the activities of aliens who were or became

Communists at any time subsequent to their entry into the United States by providing for their deportation without any deprivation of due process; and the right to make and enforce reasonable restrictions on aliens awaiting deportation to prohibit them from engaging in any activities identical or similar to those upon which the aliens' deportation order was based, with the further right to fully interrogate aliens awaiting deportation concerning their subversive associates or activities.

(e) ^{Strengthen} Restore the effectiveness of the Foreign Agents Registration Act of 1948 by a requirement that political propaganda by agents of foreign principals be labeled for what it is where such agents are situated outside the limits of the United States, but nevertheless directly or indirectly disseminate such propaganda within the United States.

V.

WHEREAS, the respective records of the Subcommittee on Internal Security of the Senate Judiciary Committee and of the House Un-American Activities Committee both charged with the duty of investigating internal security and Communist activities are records of accomplishment and great service to the Nation; and

WHEREAS, the continuation of the work of these Committees is essential to the enactment of sound and adequate legislation to safeguard the National and State security;

NOW, THEREFORE, BE IT RESOLVED that the American Bar Association recommends that the House of Representatives continue to maintain a committee to investigate matters relating to National Security with particular emphasis on Communist activities invested with adequate jurisdiction to accomplish its purpose, and that the Senate continue to maintain and support its Subcommittee on Internal Security; and

BE IT FURTHER RESOLVED that such Committees maintain close liaison with the Intelligence and Security Agencies, as well as with the Attorney General of the United States, to the end that they may be kept advised as to legislative needs of the Executive Branch of the Government required to carry out its responsibilities for internal security.

REPORT

Inasmuch as the House of Delegates of the Association referred back to the Committee on Communist Tactics, Strategy and Objectives, to study the recommendation that the Association endorse H. R. 12949 and the recommendation that the Association endorse S. 1411 in cooperation with the Special Committee on Individual Rights as Affected by National Security, this Committee submits its recommendations with the Body of the Report. Such a procedure is followed because the two Committees to which the recommendations were referred for further study have not had a sufficient opportunity to jointly discuss their findings. The recommendations are submitted herewith.

BE IT RESOLVED that this Committee recommends that legislation be promptly enacted to eliminate obstacles to the preservation of our internal security in the following areas:

1. Restore to the Executive Branch of our Government the right to determine and to dismiss, if required, those who are security risks in both sensitive and non-sensitive positions in the Government service.
2. Restore to the Executive Branch of Government the right to deny passports to persons knowingly engaged in Subversive Activities, or activities designed or intended to further International Communism by the establishment of criteria and standards to be applied in the issuance or denial of passports. These criteria and standards should be clear and unequivocal, and in addition contain a specific authorization to the Secretary of State empowering him or the Acting Secretary to withhold a passport in the national interest based upon confidential information and upon which he shall certify that it is contrary to the interests of this nation that a passport be issued to the applicant; and further, to prevent foreign espionage agents from departing this country for the purpose of carrying out their espionage pursuits or to escape disclosure or prosecution; and that such legislation establish adequate appeal procedures which would insure due process of law so as to provide recourse to the individuals concerned in the event of any arbitrary and capricious exercise of discretion not properly founded.

It is with a profound sense of high privilege and grave responsibility that your committee submits the following Report to the House of Delegates and, through it, to the Bar and to the public.

"UNLESS"

International Communism will enslave the peoples of every nation of the free world --including the United States - unless they:

Awaken from their apathy and their indifference to the dangers that exist and threaten.

Learn and appreciate the freedom and the human rights they enjoy - and are determined and prepared to fight to preserve them for themselves and for their children.

Learn and appreciate the meaning of enslavement of the individual as it exists under Communism.

Learn and appreciate the difference between the idealistic pretensions of Communism and its inhuman reality.

Learn that the Communist ultimate goal of dominating and controlling every nation and every human being, never changes - though its tactics vary from day to day.

Understand that wishes and prayers alone will not suffice to overcome Communism or to avoid its menace.

Know that only by unity, determination, strength - moral, scientific and military - and a willingness to state their position in advance, and to be ready to fight for it, can they best safeguard the free world and its institutions.

Remember that Communists respect only those with equal or greater strength.

Know that the plea for peaceful co-existence is a fraudulent tactic of international Communism seeking to blind the American people to the Soviet record of broken promises and aggression and intended to paralyze and disarm the free world in advance of the coming Soviet onslaught.

Never forget that international Communism - particularly the Soviet - has the worst record for broken treaties in all history.

Remember that Communism has never sold itself on its merits nor has it ever been adopted by a free vote of a free people.

Realize that free industry and free labor unions in any country are free only so long as Communism does not dominate there - and that both industry and labor carry grave responsibilities in the defense of their nations against Communism.

Realize and warn that partisan politics by those occupying or seeking public office may be a great aid to international Communism and a serious handicap to one's own country.

Remember that subversion - aided by treason and treachery of domestic citizens - has been the most successful tool and tactic of international Communism in gaining control of now-enslaved nations or in weakening or dulling the resistance by those nations which remain free.

Never forget that international Communism still maintains as one of its fundamental tenets - where and when necessary - the overthrow by force and violence of any free nation when such overthrow can be successfully accomplished.

Know that one of the Communists' chief tactics is to keep the free world on the defensive by prodding and creating "problem spots" in every area of the globe.

Know that without sacrifice free nations cannot be protected or prepare themselves for defense from Communism's constant assaults or against outright war.

Realize that the process of weakening the free nations is constantly carried out in many ways through subtle and persistent propaganda, and that the weapon of counter-propaganda by truth has not as yet been adequately or affirmatively used against the Communists.

Never forget that while from time to time we may have to confer and negotiate with Communist Russia or other Communist enslaved nations, their agreements have no sacred or serious meaning to them, will be breached when it is expedient for them to do so, and that such negotiations should be carried on by duly constituted officials of government and not by self-appointed apologists.

Remember that international Communists continue to talk "peace" but relentlessly wage war in its many forms at the same time.

Never confuse Communists with the freedom loving peoples of the nations they dominate and control, or fail to appreciate that these peoples crave freedom and a better way of life, peace and understanding with other nations. But, if the peoples of the free world are alert to what Communism is and how it operates and what it costs in determination, dedication, toil and sacrifice to protect our freedoms and our way of life, then the free world will survive and Communism will ultimately dissipate or destroy itself and its devoted followers.

Most persons who are informed on communism think our country now faces its greatest danger. The thesis of J. Edgar Hoover's new book, "Masters of Deceit", is:

"Communism is the major menace of our time. Today it threatens the very existence of our western civilization." 1 /

In his speech to the 1957 National Convention of the American Legion, Mr. Hoover warned:

"To dismiss lightly the existence of the subversive threat in the United States is to deliberately commit national suicide. In some quarters we are surely doing just that."

And on December 22nd, 1958, Mr. Hoover added:

"***Sensing a more favorable atmosphere, the Communist Party, USA, and its dupes and sympathizers gained further courage and became more vocal in their attacks upon law enforcement and other professions which are dedicated to preserving our freedoms."

The lawyer-author of the Gaither report to the President on national security, recently told our association:

"Our security is in unprecedented peril. ***The ultimate objection of international communism is world domination, and the Soviet Union will pursue this objective ruthlessly and relentlessly, employing every possible political, economic, subversive, and military stratagem and tactic." 2 /

COURT DECISIONS RELATED TO COMMUNISM

Mr. Justice Jackson in American Communications Association v. Douds 3/ concluded that the Communist Party, U. S. A., is not a political party but "Is a conspiratorial and revolutionary junta organized to reach ends and to use methods which are incompatible with our constitutional system." Likewise, former Chief Justice Stone reached a similar conclusion several years earlier in Schneiderman v. United States 4/. So, too did former Chief Justice Hughes when, as Secretary of State, he refused to recognize the Communist government of Russia, and former Chief Justice Vinson in Dennis v. United States 5/ which decision upheld the convictions under the Smith Act of the American Communist leaders.

Similar pronouncements are contained in the Preambles to many state sedition laws as well as in the Preamble to the Communist Control Act of 1954, where Congress stated specifically that "The Congress finds and declares that the Communist Party of the United States, although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the government of the United States..." Likewise, the Subversive Activities Control Board has, after protracted hearings, found the Communist Party to be a Communist-action organization required to register under the Internal Security Act of 1950.

In spite of this, much dicta has appeared in recent decisions of the Supreme Court to the effect that the Communist Party is a political organization of a lawful nature similar to the Republican, Democratic or Socialist Parties, hinting that disclosure of membership therein or association therewith is entitled to the protection of the First Amendment. While this view has not been actually held in any known case, language contained in many of the decisions has invited confusion.

Many cases have been decided in such a manner as to encourage an increase in Communist activity in the United States through invalidation of state sedition statutes, and limitation of state and federal investigating powers in the field of subversion although these cases might readily have been disposed of without so broadly limiting national and state security efforts. The paralysis of our internal security grows largely from construction and interpretation centering around technicalities emanating from our judicial process which the Communists seek to destroy, yet, use as a refuge to masquerade their diabolical objectives. This trend was treated fully in the Conference of State Chief Justices last year when they called upon the United States Supreme Court to exercise the power of judicial self-restraint. The dissenting opinions of certain Supreme Court justices have been crystal clear in charting the effect of

the failure of the majority to recognize the underground forces that are at work and to appreciate how these decisions affect our internal security.

It has frequently been said that "Justice delayed is justice denied." The delays in arriving at final determinations in criminal proceedings have invited criticism of the American judicial process. In no area has this been more tragically illustrated than in cases dealing with Communists. The proceeding against the Communist Party before the Subversive Activities Control Board is a case in point which makes a mockery of justice. Eight years have now elapsed since the enactment of the Internal Security Act of 1950. The status of the Communist Party continues to remain un-adjudicated. The constitutionality of the Act remains to be determined by the Supreme Court of the United States. The Communists have used every tactic to delay the determination of this case and subsequent enforcement of this Act.

Your Committee wishes to make clear that this delay is not the fault of the Subversive Activities Control Board itself which is composed of men and women of great talent who have diligently and courageously maintained a rare judicial attitude and composure despite the Communist vilification which has been heaped upon the Board and the members personally. They have endured frustrations imposed upon them by judicial delays and failures to meet the issues in a decisive manner so that justice might inure to the American people as well as to the accused.

The Subversive Activities Control Board, under the mandate of the Internal Security Act of 1950, issued its order on April 20, 1953. 6/ That order, issued after exhaustive hearings and documented in a scholarly manner on a legal basis, found that the Communist Party, U. S. A. was a Communist-action organization and directed that it must comply with the Act. This order remains to be enforced. We reassert the views stated in the brief which the American Bar Association filed in the United States Supreme Court in support of the Internal Security Act of 1950. If any part of the said Act violates the Constitution, the courts should so hold. Congress should then enact new legislation or amend the present Act to conform to any constitutional requirements as determined by the courts. If the Act is constitutional, the Communist Party should not continue to enjoy immunity from its security provisions during many years of protracted legislation. *1. fig 710 x*

The importance of the Communist Party proceeding before the Subversive Activities Control Board justifies a brief resume of this matter:

1. The Supreme Court did not determine the constitutionality of the Act but rather remanded the case to the Board for exploration of charges supported by affidavit made by the Party in the Court of Appeals

concerning the credibility of three Government witnesses, namely, Crouch, Johnson, and Matusow. The charges made by the Communist Party in the Court of Appeals were not controverted by counter-affidavit of the Department of Justice for the reason that there was other overwhelming evidence to sustain the Board's order. The Supreme Court stated that since the assertions were not challenged by the Department it must remand the case to the Board for exploration.

2. When the case was returned to the Board the Department of Justice did not undertake to challenge the veracity of the charges made against these three witnesses. Accordingly under the Supreme Court's opinion the Board had no alternative but to expunge their testimony in its entirety from the record, and on the basis of the remainder of the evidence - testimony and documentary - the Board entered a new order.

3. The case again was argued before the Court of Appeals. After oral argument there and prior to decision by the Court of Appeals, the Supreme Court handed down its opinion in the Jencks case (noted later in this Report). The Party thereupon filed motions invoking the Jencks doctrine. The Court of Appeals then remanded the case to the Board for production of documents in relation to witness Mary Markward. The Communist Party then filed a petition for rehearing and a motion to adduce additional evidence in relation to witness Budenz. In the course of preparing a reply to the petition for re-hearing and the motion the Department discovered the existence of a recording of the initial interviews with Budenz after he left the Party, the substance of which had been previously reported. This discovery was made known to the Appellate Court and it thereupon remanded the Budenz question also for production of documents.

4. All documents ordered by the Court to be produced have been furnished by the Department to the Subversive Activities Control Board in relation to the two witnesses. It developed, however, that Budenz was unavailable for further cross-examination due to a grave heart condition. The Party now has a motion pending to reopen the case for cross-examination of all FBI agents who interviewed Budenz, claiming among other items that there are inconsistencies between the documents produced and the testimony of Budenz before the Board.

5. On February 9, 1959, The S. A. C. B. in an order for the third time after months of additional study, required the CPUSA to register in accordance with the Internal Security Act of 1950. In its most recent order, the Board rejected the Communist Party claim that false testimony had been given by a witness in another proceeding. Another round of appeals no doubt will be sought by the Communist Party to further delay a final adjudication of this case.

The following are the principal cases that have been criticized by the public, public officials and the Bar in varying degrees as illustrative of how our security has been weakened:

1. Pennsylvania v. Steve Nelson, 350 U.S. 497 (April 2, 1956)

The Court held 6 to 3 that the Federal Smith Act which prohibits the knowing advocacy of the overthrow of the U.S. Government by force and violence, suspends the enforceability of the Pennsylvania Sedition Act in certain respects - which Act proscribes the same conduct - on the grounds that Congress has preempted the field of sedition against the U.S. to the exclusion of parallel State legislation that the dominant interest of the Federal Government precludes State intervention, and that the administration of the State Act would conflict with the operation of the Federal plan. Three justices dissented in every respect and pointed out that the Court should not void State legislation without a clear mandate from Congress. 7/

2. Communist Party U. S. A. v. Subversive Activities Control Board, 351 U.S. 115 (April 30, 1956)

The Board found the Communist Party to be a Communist-action organization subject to the registration provisions of the Subversive Activities Control Act of 1950. The C. P. appealed to the U.S. Court of Appeals and filed a motion for leave to introduce additional evidence before the Board alleging that three Government witnesses had committed perjury in other similar cases which motion was denied. The Government did not challenge the allegations in the motion, but simply contended that the Board's order was amply supported by evidence other than the testimony of the witnesses in question. The Supreme Court held 6 to 3 that the Court of Appeals had erred in denying the motion and remanded to the Board to permit the evidence to be introduced. Three justices dissented on the grounds that denial of the motion was within the lower court's discretion and that there had been no abuse of discretion. The dissent criticized the refusal of the majority to deal with the constitutional issues presented.

3. Watkins v. U.S., 354 U.S. 178 (June 17, 1957)

A union officer appearing as a witness before a subcommittee of the House Committee on UnAmerican Activities refused to answer questions as to past Communist Party membership of certain persons, objecting on grounds of lack of pertinency to the subject under inquiry by the subcommittee. The Supreme Court held 6 to 1 (2 justices not participating) that under the applicable statute a Congressional investigating committee must upon objection of a witness on the grounds of pertinency, state for the record the subject under inquiry at that time and the manner in which the propounded questions are pertinent thereto. The Court stated that the phrase "UnAmerican Activities" was vague and that the evidence failed to show that the question under investigative inquiry was ever made specifically known to the witness. The dissent declared that the pertinency of the questions asked to the matter under investigation had been sufficiently shown. (This decision has led to a continuing discussion and challenge by witnesses as to the "pertinency" of questions. No court could function smoothly under such an impediment.)

4. Cole v. Young, 351 U.S. 536 (June 11, 1956)

An employee in the U.S. Health, Education & Welfare Department, who was charged with "sympathetic association" with individuals reliably reported to be Communist and making contribution to an allegedly subversive organization, was summarily dismissed by the agency head under the authority of the "Summary Suspension Act of 1950" which authorizes heads of specified agencies to summarily dismiss employees "in the interests of the national security of the United States". The Act provides that the determination of the agency head is conclusive and final. The Supreme Court in a 6 to 1 decision overturned the dismissal on the ground that the Summary Suspension Act has reference only to those activities directly concerned with the nation's safety, and that the employee in question did not occupy a "sensitive position". Three justices dissented holding that the clear purpose of Congress was being frustrated in that the statute had been intended to authorize summary dismissal of employees whose retention would be inimical to the national interests regardless of the sensitivity of their positions.

5. Leedom v. International Union of Mine, Mill & Smelter Workers,
352 U.S. 145 (December 10, 1956)

The National Labor Relations Board after an administrative investigation and hearing found that an officer of the plaintiff union had filed a false non-Communist affidavit. The Board, in accordance with the National Labor Relations Act which denies the benefit of the Act to unions whose officers have not filed such affidavits and makes union officers who have filed false affidavits subject to criminal penalties, issued a de-compliance order barring the union from the benefits of the Act until it complied. The U. S. Supreme Court held that this order was beyond the Board's authority and that the only remedy which the Act permits in the case of false affidavits is the criminal penalty.

6. Amalgamated Meatcutters and Butcher Workmen of North America v. National Labor Relations Board, 352 U.S. 153 (December 10, 1956)

An officer of plaintiff union had been convicted of filing a false non-Communist affidavit. The Board issued an order directing the employer to correct an unfair labor practice. The Court of Appeal refused to enforce this order on the ground that the union was not in compliance with the Act and thus not entitled to its benefits. The Supreme Court reversed, reiterating the view stated in the Leedom case that the sole penalty for false filing of a non-Communist affidavit is the criminal penalty.

7. Gold v. U.S., 350 U.S. 985 (January 28, 1957)

Defendant president of a labor union was convicted of having filed a false non-Communist affidavit with the N. L. R. B. On defendant's appeal to the U.S. Court of Appeals the conviction was affirmed. It appeared that an F. B. I. agent investigating another similar case telephoned or visited three members of the jury during defendant's trial and inquired whether they had received any propaganda literature. The issue reaching the Supreme Court was whether the impact of these contacts on the jurors was so prejudicial as to require reversal. The Court so held in a per curiam opinion. Four justices dissented on the ground that no effect upon the jurors adverse to the defendant could reasonably be anticipated by virtue of the accidental intrusion on their privacy.

8. U.S. v. Witkovich, 353 U.S. 194 (April 29, 1957)

The Immigration & Nationality Act of 1952 requires that an alien against whom a deportation order has been outstanding for more than six months shall be required "to give information under oath as to his nationality, circumstances, habits, associations and activities, and such other information, whether or not related to the foregoing, as the Attorney General may deem fit and proper". Appellee being an alien against whom a deportation order had been outstanding for more than six months refused to answer questions put to him by the appropriate immigration authorities regarding his present Communist relationships. He was indicted under the criminal provisions of the Act. The Supreme Court held, 6 to 2, that the statute authorized only questions reasonably calculated to keep the Attorney General advised regarding the continued availability for departure of aliens whose deportation is overdue and ruled for dismissal of the indictment. Two justices dissented expressing the view that under the statute an alien could properly be questioned as to activities indicated by past conduct and that the statute raised no constitutional question.

9. Schware v. Board of Examiners of New Mexico, 353 U.S. 232 (May 6, 1957)

Schware's application to take the New Mexico bar examination was denied on the ground that petitioner had not shown good moral character in view of his past membership in the Communist Party, his use of aliases and his record of arrests. Schware, unlike other individuals, did not invoke the Fifth Amendment and was frank and candid with regard to his past Communist activities. While the petitioner made out a good case on his conversion from Communist ideology, nevertheless the decision casts grave doubt on the propriety of the Supreme Court to substitute its standard of fitness for the Bar of New Mexico in place of the standard established by the Bar and the courts of New Mexico. The Supreme Court reversed the State Supreme Court of New Mexico holding that Schware's exclusion violated due process, stating that the record did not support the State court's conclusion that petitioner had not shown good moral character.

10. Konigsberg v. State Bar of California, 353 U.S. 252 (May 6, 1957)

Petitioner refused to answer questions as to present and past membership in the Communist Party put to him by the California State Bar Examiners. He was thereupon refused admission to the bar on the grounds that he had failed to prove that he was of good moral character and did not advocate the overthrow of the Federal or State governments by unconstitutional means. Five justices of the Supreme Court overruled the California Supreme Court holding that petitioner's right of due process had been violated since the evidence did not rationally support the finding that he had failed to prove that he was of good moral character and that he did not advocate the overthrow of the Federal or State government by force and violence. Two justices dissented on the ground that refusal to answer questions relevant to fitness without constitutional justification justified the committee's refusal to certify petitioner for admission to the bar. One justice dissented on procedural grounds. (This decision is the greatest inroad on the traditional right of each state to establish its standard of fitness for its own Bar and was severely criticized by former President David F. Maxwell in his annual address to this Association.)

11. Jencks v. U.S., 353 U.S. 657 (June 3, 1957)

An officer of a labor union was indicted for filing a false non-Communist affidavit with the N. L. R. B. At his trial he filed a motion requesting an inspection of reports made to the F. B. I. by government witnesses as to event and activities to which they had testified at the trial. His motion was denied and he was convicted. The U. S. Supreme Court overturned this conviction, 5 justices concurring, stating that the defendant was entitled to examine these reports. The former practice of submitting government documents to the trial judge for his determination of relevancy and materiality was disapproved and the court held that if the government wished to exercise its privilege to withhold the reports in the public interest then the criminal action must be dismissed. Three justices dissented in part, holding that the documents should be produced for the examination of the trial court in camera to determine their relevancy as well as the applicability of the government's claim of privilege in the public interest. One justice dissented en toto.

12. Service v. Dulles, 354 U.S. 363 (June 17, 1957)

Plaintiff, a foreign service officer, was on numerous occasions investigated as to loyalty and standing as a security risk. These investigations involved extensive hearings. In the most recent one the State Department gave him "clearance" and this action was approved by the Deputy Under Secretary. However, on a post audit the Loyalty Review Board of the Civil Service Commission made unfavorable findings and recommended his discharge. The Secretary of State accepted these findings without making an independent review of the evidence. The U.S. Supreme Court reversed the action of the Secretary of State and of two Federal courts holding that Dulles' action was in violation of the loyalty and security regulations under which the Secretary of State was bound to make an independent determination after a review of the evidence.

13. Yates v. U.S., 354 U.S. 298 (June 17, 1957)

Defendants were charged with conspiring to advocate and teach the forcible overthrow of the government of the United States and to organize as the Communist Party of the U.S., a society of persons who so advocate and teach, all in violation of the Federal Smith Act. The Supreme Court reversed convictions in two lower Federal courts and held that teaching and advocating the abstract doctrine of the forcible overthrow of the U.S. Government was not punishable under the Smith Act as long as it was "divorced from any effort to instigate action to that end". The Court further held that the term "organize" as used in the Smith Act referred only to acts entering into the creation of a new organization and stated that since the Communist Party was organized in 1945 and the indictment not returned until 1951, that the prosecution on this charge was barred by the three-year statute of limitations. This decision is characterized by numerous partial dissents and partial concurrences on the part of the various justices. Two justices in dissent stated that overt acts in furtherance of the conspiracy could be proved from the record.

14. Raley, Stern & Brown v. Ohio, 354 U.S. 929

The Supreme Court vacated the judgment of the Ohio Supreme Court and remanded for consideration in the light of Sweezy v. N.H., a case concerning the conviction of three men who had refused to

answer questions about Communist activities put to them by the Ohio Un-American Activities Commission. One justice dissented for the reasons stated in his dissenting opinions in *Sweezy* and *Watkins* and another justice dissented indicating his desire to note probable jurisdiction and set the case for argument. On remand the Ohio Supreme Court reiterated its earlier conviction and the case is once more pending appeal.

15. *Sweezy v. New Hampshire*, 354 U.S. 234 (June 17, 1957)

In the course of an investigation of subversive activities in New Hampshire a witness refused to answer questions concerning a lecture given by him at the State University and questions concerning the Progressive Party and its adherents asked by the New Hampshire Attorney General acting as a one-man legislative committee. The Supreme Court reversed the contempt conviction by the State court, four justices basing their decision on the ground that the State Legislature had not made clear in the authorizing legislation that it desired the information sought by the Attorney General and deemed the lack of authorization to be a lack of authority on the part of the Attorney General. Two justices dissented from this reasoning saying that the distribution of powers on the State level is not a matter of Federal concern, but concurred in the result on the ground that the State had failed to show that the protection of State interests justified the invasion of the witness' constitutionally protected academic and political freedoms. Two justices dissented from the result in its entirety.

16. *Slochower v. Board of Education of the City of New York*, 350 U.S. 551 (April 9, 1956)

Under the terms of a New York City charter provision which had been long in effect a City College professor was discharged without notice or hearing for claiming his privilege against self-incrimination when asked about Communist Party membership by a congressional committee investigating matters of national security. It seemed that the professor had answered similar questions put by a State investigating body and that this information was in the hands of city authorities at the time of his discharge. The Supreme Court reversed the decisions of three New York courts and held that this automatic discharge was unconstitutional because of alleged lack of due process. Four justices dissented.

17. United Mine Workers v. Arkansas Oak Flooring Co., 351 U.S. 62
(April 23, 1956)

Louisiana State courts had enjoined picketing by a union which had failed to file the non-Communist affidavits and other data required by the National Labor Relations Act. The Supreme Court held that the State courts had no power to enjoin the picketing on the ground that while the union could not resort to the N. L. R. B. because of its failure to comply with the filing requirements, it could nevertheless take other lawful action, e.g. peaceful picketing. One justice dissented on the ground that the said Act contained no implied limitation on the State power exercised under these facts.

18. Sacher v. U.S., 78 S.Ct. 842 (May 19, 1958)

Sacher refused to answer three questions put to him by a sub-committee of the Internal Security Sub-Committee of the Senate Committee on the Judiciary. His contempt conviction was upheld by the Court of Appeals. The Supreme Court remanded the case for reconsideration in the light of Watkins v. U.S. The case was re-argued before the Court of Appeals and the conviction reaffirmed. The Supreme Court again reversed the order of conviction and found that questions relating to proposed legislation barring Communists from practice at the Federal bar constituted an excursion outside the committee's authorized scope of inquiry. The grant of certiorari and reversal order were made at the same time and in the same per curiam decision. Two justices dissented on the grounds that the questions were pertinent to the authorized inquiry and that the court had refused to hear argument from Government attorneys.

19. Kent & Briehl v. Dulles, 78 S. Ct. 1113 (June 16, 1958)

The Secretary of State turned down passport applications of Kent and Briehl on the grounds that they were Communists and that they had had constant and prolonged adherence to the Communist Party line. The Supreme Court reversed two lower Federal courts and held that since statutes provided that it is unlawful for a citizen to enter or leave the United States without a valid passport, the Secretary of State did not have authority to promulgate regulations denying passports to Communists or to persons whom evidence showed were going abroad to further Communist causes, or regulations demanding non-Communist affidavits from citizens applying

22. Bonetti v. Rogers, 78 S. Ct. 976 (June 2, 1958)

Bonetti was an alien admitted to the United States for permanent residence in 1923 who joined the Communist Party in 1932 and left it in 1936. In 1937 he went to Spain to fight the Spanish Civil War. In 1938 he returned and was admitted for permanent residence as a quota immigrant and thereafter continued to reside in the U.S., except for a one-day visit to Mexico in 1939. The Internal Security Act of 1950 provides for deportation of any alien who was at the time of entry into the U.S., or has been "at any time" thereafter a member of the Communist Party. The Supreme Court reversed two lower Federal courts and held that plaintiff's time of entry for purposes of the Act was 1938 not 1923, and not having been a Party member then or subsequently, was not deportable. Three justices dissented stating that this construction deletes the phrase "at any time" out of the Act and reads the word "last" into the statute and thereby "cripples the effectiveness of the Act".

23. Flaxer v. U.S., 79 S.Ct. 191 (December 15, 1958)

Flaxer was convicted of contempt of Congress and failing to produce pursuant to a subpoena duces tecum issued by the Senate Internal Security Sub-committee records of his union showing names and addresses of members employed by the Federal, State or local government. The Supreme Court remanded the case for reconsideration in the light of Watkins. Upon reaffirmation of Flaxer's conviction the Supreme Court reversed on the ground that the indictment named October 5, 1951 as the date of contempt when actually the Sub-committee had given him 10 days from that date in which to comply. The Court states "Yet for all we know, a witness who was adamant and defiant on October 5th might be meek and submissive on October 15th".

24. Uphaus v. Wyman, 355 U.S. 16 (1957) (pending)

Appellant Uphaus appealed from affirmance by the N.H. Supreme Court of his conviction of contempt of court for refusing on grounds of the 1st Amendment to produce in response to subpoena duces tecum, a guest list and certain correspondence with speakers at World Fellowship, Inc., a summer camp in Albany, N.H., of which appellant was Executive Director. The documents were subpoenaed by a State Legislative Committee in the course of a State investigation

for passports. Three justices dissented in all regards stating that the Secretary of State's passport power permitted the regulations in question.

20. Dayton v. Dulles, 78 S.Ct. 1127 (June 16, 1958)

Dayton, a native born citizen, is a physicist who has been connected with various Federal projects. He applied for a passport to enable him to travel to India in order to accept a position as a research physicist there. This application was turned down by the Secretary of State for three reasons: 1) his alleged association with various Communists, 2) associations with persons suspected of being part of the Rosenberg espionage ring, 3) his alleged presence in an apartment in New York which was allegedly used for microfilming material obtained for the use of a foreign government. Basing its reasoning on Kent v. Dulles, the Supreme Court overruled two lower Federal courts and held that the passport could not be denied to a U.S. citizen on the ground that it was believed he was going abroad to engage in activities which would advance the Communist movement. Four justices dissented on the same grounds as the dissent in Kent v. Dulles.

21. Yates v. U.S., 78 S.Ct. 128 (November 25, 1957)

Yates and 13 others were indicted and convicted of conspiring to violate the Smith Act. In the course of the trial Yates refused to answer 11 questions relating to whether other persons were members of the Communist Party. The trial court held her in contempt for each refusal and imposed 11 concurrent sentences of 1 year each. Supreme Court reversed two lower Federal courts holding that this action constituted an improper multiplication of contempts because the witness when first inquiry was made stated that she would not identify any Communist Party members. The Supreme Court reversed all but the first conviction which was vacated and remanded for resentencing "in the cool reflection of subsequent events". Three justices dissented to the remand of the first conviction holding that all the convictions should be thrown out.

of subversive activities. The U.S. Supreme Court without hearing argument on October 14, 1957, vacated the judgment of the N.H. Supreme Court and remanded the case for further consideration in light of Sweezy v. N.H., whereupon the N.H. Supreme Court reaffirmed its former decision and Appellant again appealed. This case was argued before the U.S. Supreme Court on November 15, 1958, and a further decision is now pending.

The Sheiner case (Florida). In accordance with the resolution of the House of Delegates and authorization of the Board of Governors, our Committee -- on the request of the State Attorney for cooperation -- applied for and obtained permission to appear as amicus curiae in the appeal pending in the Supreme Court of Florida from the order of dismissal of the disciplinary proceedings against Leo Sheiner. Leo Sheiner had twice previously been ordered disbarred by the Circuit Court of Florida.

Our committee prepared and submitted a brief to the Supreme Court of Florida in which its views were set forth with relation to the duty of the bar and of the courts concerning the responsibilities in maintaining the high standards of fitness required of lawyers. The committee further defined its concept of an acceptable standard for attorneys. Any member of the bar who, in appropriate proceedings persists in refusal to answer pertinent questions concerning his activities in the Communist Party or Communist-dominated fronts on the ground that his answers to such questions concerning his activities might tend to incriminate him is unfit. It is inconceivable to us that an attorney and officer of the court may continue in good standing while he pleads self-incrimination in refusing to answer questions relating to subversive activities.

The brief pointed out that labor-union officials, teachers, Government employees, and employees of private industry, have been safeguarded in invoking the fifth amendment to inquiries which might tend to incriminate them. However, in so doing, they demonstrate lack of candor required of attorneys and forfeit their positions of trust and responsibility. The Sheiner case is most important to the Bar. Other States having such problems await the final decision.

The appeal was argued before the Supreme Court of Florida on February 8, 1958. Julius Applebaum, a member of our committee, argued as amicus curiae for this association. On July 24, 1958, the court ordered further argument on September 5, 1958, and requested supplemental briefs as to the application of three decisions, Max Lerner v. Hugh J. Casey, et al; Herman A. Beilan v. Board of Public Education, School District of Philadelphia; and Milton Knapp v. Mitchell D. Schweitzer, et al, rendered by the United States Supreme Court on June 30, 1958. Our committee prepared a supplemental brief on behalf of the association and participated in the supplemental argument. As of this writing, the Supreme Court of Florida has not yet rendered its decision. The committee is willing to appear in similar cases upon direction of the House of Delegates or Board of Governors.

In sharp contrast to the due process afforded Sheiner is the Associated Press dispatch of September 16, 1958. By decree of the Communist regime in Hungary, 3500 lawyers were disbarred. They were deemed to lack "approved political qualifications".

COMMUNIST TACTICS

The Communists have set forth their master plan of world conquest even more forthrightly than did Hitler in "Mein Kampf". The Communist Manifesto is specific: "The Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions." 8/ Communists have never deviated from the theory enunciated by Marx and the strategy devised by Lenin.

The Communist master plan for world conquest has been outlined by both Lenin and Stalin as entailing the violent smashing and overthrow of all non-Soviet governments, including those of Great Britain and the United States. Prior to this overthrow and to prepare for it in each instance, the Communist Party is to make "transmission belts" of all possible non-Party Agencies for the diffusion of the Communist line, weakening the country to be overthrown. Already this has become an historical fact to which once free peoples, now enslaved, can testify. Need we have more evidence of Soviet intent?

During the last twenty-five years, the United States has participated in hundreds of meetings with the Communists, including those held at Teheran, Yalta, Potsdam, Panmunjom and Geneva. All this talk has led to many major agreements and Soviet Russia has broken almost all of them. The Communists have followed Lenin's dictum about treaties and agreements: "Promises are like pie crusts - made to be broken." 9/

The United States has met on countless occasions with the Chinese Reds to negotiate the release of American prisoners. The record is a dismal one. In June 1954 a total of 76 Americans were held in Red China. On August 1, 1955, 35 were released. An additional 28 were released at the end of 1955. Since then 9 more have been released. On January 9, 1958, the Reds in China were holding 4 Americans and in October, 1958 had arrested a fifth American, a Roman Catholic priest. The Communists have followed Stalin's principle of diplomatic intercourse:

"Words must have no relation to action -- otherwise what kind of diplomacy is it? Words are one thing, actions another. Good words are a mask for concealment of bad deeds. Sincere diplomacy is no more possible than dry water or iron wood." 10/

HINDSIGHT OR SOUND APPRAISAL

On June 17, 1958, when the Soviet news agency, Tass, announced the executions of former Hungarian Premier Imre Nagy, Gen. Pal Maleter, and two other leaders of the anti-Communist rebellion of 1956, western leaders expressed shock and dismay. General Maleter, the hero of the rebellion, had been seized by the Soviets when he met with them under a flag of truce to negotiate the withdrawal of the Red army from Budapest. Nagy and his associates were executed, although they had received in advance a written guaranty of safe conduct when they left their asylum in the Yugoslav Embassy.

In March 1945, sixteen top leaders of the Polish government were invited to Moscow to participate in the conduct of negotiations. They were promised on the word of honor of the Soviet government that they would be afforded safe conduct. All sixteen were arrested and then vanished. Nothing further was heard of any of them until ten years later, when the wife of General Leopold Okulicki was notified of his death nine years before in a Soviet prison. 11/ Since the Katyn Forest Massacre, which came to light in 1943, * it has been obvious that coexistence with communism is a contradiction in terms.

Marx and Engels stated this objective in the Communist Manifesto:

"The theory of the Communists may be summed up in the single sentence: Abolition of private property." 12/

Lenin gave this command to Communists:

"It is necessary to agree to any and every sacrifice, and even, if need be - to resort to all sorts of stratagems, maneuvers, and illegal methods, to evasion and subterfuge." 13/

On another occasion, Lenin added:

"As long as capitalism remains we cannot live in peace. In the end one or the other will triumph - a funeral requiem will be sung over the Soviet Republic or over world capitalism." 14/

*where thousands of Polish Officers who were prisoners of the Soviets were shot and buried in a trench,

On September 17, 1955, Nikita Krushchev warned us:

"If anyone thinks that our smiles mean the abandonment of the teachings of Marx, Engels, and Lenin, he is deceiving himself cruelly. Those who expect this to happen might just as well wait for a shrimp to learn how to whistle." 15/

Khrushchev made this statement to Western diplomats at a Moscow reception on November 18, 1956:

"If you don't like us, don't accept our invitations and don't invite us to come to see you. Whether you like it or not, history is on our side. We will bury you." 16/

Krushchev appeared on our American television screens on June 2, 1957, and confidently told us: "Your grandchildren will live under socialism."

William Z. Foster dedicated his book, *The Twilight of World Capitalism*, to his great-grandson, "who will live in a Communist United States."

The key to Communist tactics is the dialectic, expressed through what is known as historical materialism. By constant examination of the directive documents which flow from Moscow to the Communist Parties of the world, and adapted in turn by them to the conditions of each country, we see the dialectic at work through the Communist line.

Under the theory of the dialectic, as it allegedly works in society and history, the triumph of the world Soviet dictatorship or socialism, leading to world Communism, is inevitable. No action of any human agency can halt this fatalistic process. But it is not a "progress" that is made on a straight line or even on a curve; it is a zigzag movement due to the struggle of contending forces and their relative strengths from time to time, a course which, however, leads ever onward toward world dictatorship. This results at times in Communist advances, at times in retreats. Each development must be taken advantage of by Red tactics and strategy to forward the course of world dictatorship to the maximum under the prevailing conditions.

Stalin has stated clearly the object of the strategy of retreat or apparent retreat when he says: "The object of this strategy is to gain time, to demoralize the enemy, and to accumulate forces in order later to assume the offensive!" 17/ This follows Lenin's tactics which have been described in his work "One Step Forward, Two Steps Backward". 18/

The result of the strategy and tactics thus devised, to take into account the relationship of forces at any particular time, is the appearance of forward and backward movements, which are all designed by their zig-zag course to lead to furthering Soviet advances. Because of the general lack of knowledge in the United States of these tactics and strategy, as laid down by Lenin and Stalin and summed up in the latter's Foundations of Leninism, the Soviet advance made during the past twenty-five years has been little less than amazing.

History now records the facts of Communist dialectics at work. Under Stalin the change from hostility to apparent friendship and back to hostility were changes by periods. There was the Hitler-Stalin Pact period (time of hostility); the World War II period (time of apparent friendship), and the post war period (time of hostility again). Under Krushchev Stalin was damned, Lenin exalted, and then at a 1957 diplomatic reception Krushchev switched and said, "God grant that every Communist should fight for the interest of the working class as Stalin did." The Communist strategy under Lenin, Stalin and Khrushchev is to use both hot and cold methods at once. Thus in the past few months we have witnessed the shelling of Quemoy and threats to Berlin coupled with cultural exchanges and the trip of Soviet Deputy Premier A. I. Mikoyan. We saw his smiles and snarls. The Communists aim to keep us complacent until the choice is annihilation or surrender, at which time they confidently expect us to submit to a negotiated surrender.

Also during the past year, the Communists went forward with the rocks and garbage thrown at Vice President Nixon in South America; backward with the smiles of Menshikov; forward with the executions of Nagy and Maletier; backward by allowing Tito to make a few anti-Soviet statements; forward with the defeats of anti-Communists in Syria and Indonesia -- all with the same unity of purpose that makes everything contribute to their plan of world conquest.

Current Communist tactics include the following:

1. Nullification of the Smith Act and other anti-Communist legislation. FBI Director J. Edgar Hoover testified January 16, 1958, at a House hearing made public in May, that 49 of the 108 Communist leaders convicted by Federal juries under the Smith Act have been set free by Supreme Court decisions. 19/ As of January 25, 1959, only 33 convictions of Communists remain as such while of the 108 convicted 75 have been released. Judge Richard H. Chambers, of the United States Court of Appeals, in a decision releasing 11 of these convicted Communists, said that Supreme Court decisions have left the Smith Act, as to any further prosecution under its provisions, a virtual shambles.

J. Edgar Hoover has testified that a top Communist functionary described the Supreme Court decision in the Smith Act case of June 17, 1957, as the greatest victory the Communist Party in America has ever received. 20/ The Daily Worker summed up the Yates, Watkins and other cases of that same day in these words: "The curtain is closing on one of our worst periods." 21/ The Sunday Worker of May 11, 1958, contains strong opposition to any legislation to overcome the Supreme Court's rulings on internal security.

Other anti-Communist laws which have been targets of the Communist Party and which are now nullified or weakened by the judicial decisions are the Subversive Activities Control Act of 1950, the anti-sedition laws of 43 States, and Hawaii, key security provisions of the Immigration and Nationality Act of 1952, and the Summary Suspension Act of 1950.

2. Muzzling the FBI and Congressional investigations. For years the Communist Party has poured out its most hysterical language against that which the Reds call "the Gestapolike FBI," and Congressional "inquisitions and witch hunts." This tactic has been so successful that it is now said that the Communists don't have to tell Congressional committees anything. The effectiveness of the Communist Propaganda machine is attested to by the frequency of attacks from sources of "presumed" respectability. It is significant to note the similarity of these "so-called" respectable verbal and written "brickbats" with Communist poisoned darts. As the world Communist onslaught continues, an intensification of attacks on the FBI, Congressional committees and indeed all other effective anti-Communist forces can be expected. In fact an excellent criteria of the effectiveness of any group which labors to preserve the American way of life is the intensity of Communist and radical attacks directed at them.

Judge Robert Morris, chief counsel for the Senate Internal Security Subcommittee for six years, said: "The power of the Congress to learn the underlying facts of the Communist conspiracy has been hamstrung" since the decision in the Watkins case.

There appears to us to be little question that the dicta in such cases as Watkins and Sweezy have compounded the difficulties of investigating committees in the security field. Witnesses, dominated by the Communist Party, have used the dicta to impede the function of Congress in its legislative responsibility. On this basis Communists have adopted the tactic of invoking the First Amendment rather than the Fifth Amendment in refusing to answer obviously pertinent and important questions.

In the first session of Congress subsequent to the Watkins decision, hearings by the House Un-American Activities Committee was practically brought to a halt and the Senate Internal Security Subcommittee suffered a similar plight. On July 5, 1958, the press reported that Congressional investigations into the Communist conspiracy have reached an all-time low for the last two decades. However, committee files are bulging with data on the conspiracy which are crying for exploration to form the basis for corrective legislation.

The experience of France, and more particularly Germany, show the danger of restricting legislative investigations.^{22/} Bismarck so feared the power of parliamentary investigation that he dissolved the Prussian Parliament when it attempted to assert its right of investigation. Historians agree that the lack of legislative investigation was the greatest single cause for the authorization of Imperial Germany.

When the Weimar Republic was created, Article 34 of the Constitution granted the Reichstag the power "to appoint investigating committees." When the Reichstag attempted to exercise its constitutional right, the German Constitutional Court, in two key cases, narrowed the scope of parliamentary inquiry so considerably that the investigating powers of the Reichstag were inadequate to its tasks. As a result, the Reichstag never exposed the Nazi, purges by Hitler, concentration camps, and secret police. The success of the Nazi conspiracy taught the German Supreme Court a lesson. On August 17, 1956, it handed down a scholarly 375-page opinion which outlawed all activities of the Communist conspiracy in West Germany.

Notwithstanding some mistakes - fewer than generally charged -- the service to our country by the Senate Internal Security Subcommittee and the House Un-American Activities Committee has been incalculable and worthy of far greater praise than has been accorded to them. The Communist and radical propaganda against these committees has never subsided. Our committee, therefore, recommends the adoption of Resolution V.

This committee has been astonished to read the proposal to the Congress that one of its committees charged with investigating National and State security and Communist activities be discontinued. We regard any attempt to terminate or to curtail the work of the committee of each House charged with this vital duty as a distinct disservice to the nation.

3. Ultimate elimination of Federal and State security programs. This tactic has been successful with regard to nonsensitive positions in government and evidence is abundant that the Communist conspiracy considers nonsensitive positions vitally important. Government employment is not a right but a privilege.

4. Communism is world wide in its scope of operations which require travel on the part of its propaganda and espionage agents. For this reason Communists and their dupes aided by innocents have long been carrying on a vigorous campaign to break down, or weaken, passport control in the United States. Meanwhile, they maintain strict controls in the Soviet Union, Red China and other satellite countries.

5. The peace offensive. On April 1, 1951, the House Un-American Activities Committee issued a report called "The Communist Peace Offensive; a Campaign to Disarm and Defeat the United States." This document showed in detail how intellectuals, professors, writers, and others who influence public opinion, were attracted to various Communist peace fronts. This report said: "The most dangerous hoax ever devised by the international Communist conspiracy is the current world-wide 'peace' offensive."

Today, under the slogans "peace" and "peaceful co-existence", we are witnessing an intensification of this Communist peace offensive. The Czechs and Hungarians found that co-existence with communism is enslavement. Peaceful co-existence means Communist conquest without war. In his February 1956 report to the 20th Congress of the Communist Party of the Soviet Union Khrushchev asserted in Aesopian language that peaceful co-existence would lead to the victory of world communism. 23/

Dr. Fred C. Schwarz, in his testimony before the House Un-American Activities Committee, has accurately described what the Communists mean by peace: "Every act that contributed to the Communist conquest is a peaceful act. If they take a gun, they take a peaceful gun, containing a peaceful bullet, and kill you peacefully and put you in a peaceful grave. When the Chinese Communists murder millions, it is an act of peace. When the Russian tanks rolled into Budapest to butcher and destroy, it was glorious peace." This is what J. Edgar Hoover calls "semantic sabotage."

In describing the recent case involving the Communist spy Rudolph Ivanovich Abel, J. Edgar Hoover testified:

"I mention this case particularly, Mr. Chairman, because there are some people who think that the matter of Soviet espionage is a thing of the past and no longer exists in view of the theme of peaceful co-existence the Soviets continue to expound. Many of the incidents in the Abel case occurred in 1957." 24/

We must realize that Communist governments resort to blackmail, counterfeiting, forgery, kidnaping, lying, mass murder, slavery, subversion, theft, and treaty-breaking as part of their official state policy. It is a matter of historical record that the Kremlin blackmailed the Allies into concessions during World War II by threatening to sign a separate peace with Hitler; that Communist governments have counterfeited American money and forged American passports; kidnapped American citizens and held them for ransom; kidnaped 28,000 Greek children in the most cruel mass abduction in modern history; murdered thousands of Polish officers at Katyn Forest 25/, 6,112 American soldiers whom they captured in Korea, 26/ and thousands of boys and girls in Hungary; forced millions of Polish, Latvian, Lithuanian, Estonian, Czech, Hungarian and Ukrainian citizens to work as slave laborers in Siberia; stole 600 tons of gold bars worth \$600 million from the Government in Spain in 1936; 27/ destroyed by subversion the postwar Republics of Bulgaria, Czechoslovakia, Hungary, and Poland; and violated 50 of their last 52 treaties.

6. Summit Conference. Pressures exercised to influence the President of the United States to arrange for a summit conference with Khrushchev are unfortunate. Such pressures have been applied by friendly nations and by some inexperienced but well-meaning citizens. Communists have the most deplorable record in all history for violation of sacred treaties. It is the policy of Communists to promise anything and to perform nothing unless it serves their immediate needs. Communists should first demonstrate by concrete actions their good faith in their stated desire for peace. Without such evidence of good faith any conference becomes merely a Communist vehicle for their propaganda purposes. It is hopeless and futile to rely upon voluntary compliance with treaties by Communists. The Communists, through Khrushchev can free East Germany, Hungary, Poland, Czechoslovakia and other enslaved nations and thus demonstrate in 24 hours their good faith and a true desire for "peaceful co-existence."

Experts on communism testified before the United States House Un-American Activities Committee on April 30, 1958, that the Kremlin looks upon a summit conference solely as another weapon in its program for global conquest. Time will tell us the influence which the Soviet Deputy Premier A. I. Mikoyan, in his "open sesame" tour of the United States last January has exerted to entrap the United States into another summit conference.

7. Cultural exchanges. Nikita Khrushchev's famous report of 1956 lists cultural and business exchanges as one of those developments which will bring about the growing weakness of the United States and advance World socialism. On June 2, 1957, Khrushchev appeared on American television screens and called for a wider exchange of cultural delegations.

On December 22, 1957, the Communist Daily Worker desecrated the greatest religious holiday in Christendom by declaring that perhaps the best Christmas present Santa Claus will bestow on America will be the wide-spread cultural exchange of certain Americans with Soviet agents coming to this country.

On January 27, 1958, the United States signed a two-year agreement with the Soviet Union for the exchange of persons in the cultural, scientific, technical, and educational fields. The primary activity of every one of Moscow's cultural delegates while in this country is to promote the Communist world revolution. E. H. Cookridge, former British Secret Service agent and an authority on Soviet espionage, had this to say: "every Soviet football team, every athlete competing at an international sport event, Soviet scientists attending a congress abroad, the Moscow Ballet performing in a western capital or a group of Soviet artists at a film festival are invariably accompanied by special agents of the Soviet secret police. Judge Robert Morris, who has spent the last seventeen years intensively studying and exposing the Communist conspiracy, said: "In past years of the exchange, secret police have passed as farmers, ice skaters, clergymen, and scientists, for the purpose of conducting espionage operations in this country." Professor Seymour Mellman of Columbia University at a Disarmament Conference held in Washington, D. C. on January 23, 1959, stated (as reported in the "Washington Daily News" of that date) that: "Owing to the possibility of moving nuclear warheads in small containers, it is not excluded that the principal cities of the world may already be mined with atomic warheads and their appropriate firing devices." Under these circumstances, what guarantee do we have that Soviet visitors may not engage in such destructive practices? AFL-CIO President George Meany said, on cultural exchanges: "No believer in the basic principles of free trade unionism could today conceivably desecrate these principles by undertaking to visit a country whose tyrannical leadership has for the forty years of its existence been the avowed and uncompromising enemy of all human rights."

Cultural exchange with Soviet Russia should not be a one-way street. There can be no doubt that understanding could come from an honest two-way cultural exchange program where there is a full disclosure of the identities of visitors to any country. So when a Mikoyan visits the United States, those who fete him should know who he is and that for which he stands.

The responsible Newsweek Magazine has this to say about Mikoyan in its issue of January 12, 1959:

"Mikoyan is one of the butchers of Budapest. It was he who helped engineer the great double-cross that crushed the Hungarian revolt in October 1956. To lull the leaders of the revolt Mikoyan endorsed Imre Nagy as the new premier; at the same time, he made plans for the Communist puppet Janos Kador to take over. His promise to withdraw the Russian forces from Hungary lured Nagy's Defense Minister to a meeting where Soviet troops could arrest him."

Henry A. Wallace, in a frank article published in 1952, related that he did not realize during his tour of Soviet Russia how the Communists were making feverish efforts to hoodwink him. Wallace said that it was only much later that he learned how a Communist slave labor camp had been transformed into a show city, with prisoners herded out of sight and watchtowers torn down, merely to deceive the American Vice President. Elinor Lipper verifies this in her book, *Eleven Years in Soviet Prison Camps*. As a prisoner in a slave camp visited by Wallace, she gives an inside account of how American tourists in Russia are deceived.

8. Recognition of Red China. Much of the propaganda in this country which supports recognition of Red China is communist-inspired or encouraged. Diplomatic recognition is helpful to Communist subversion. The Communist espionage apparatus uses the diplomatic immunity of its embassies and consulates to establish spy centers. It requires the unbroken seal of the diplomatic pouch to transmit orders to its spies and to receive in turn their reports and microfilmed documents.

The Red diplomatic apparatus functions are described in detail in the report of the Canadian Royal Commission 28/ which investigated code clerk Igor Gouzenko's revelations. They may be found, too, in the Report of the Australian Royal Commission 29/ which investigated Embassy Secretary Vladimir Petrov's confession. They are told as well in the Senate Internal Security Subcommittee investigation of United States Communists working for the U.N. 30/ conducted by Senator Herbert O'Connor, immediate past chairman of this committee:

That Red China will model her tactics after the tactics of Soviet Russia is made clear by the statement of Premier Chou En-lai in the Communist magazine International Affairs:

"The great Communist Party of China, organized by progressive elements of the Chinese people, was founded and developed under the influence of the October Revolution, and was modeled on the Communist Party of the Soviet Union." 31/

The most important loss that would be sustained by our recognition of Red China would be (1) the prestige that the Communist Regime would attain therefrom and (2) the demoralization of and hurt to the free nations - particularly in Asia. Moreover, can we give recognition to a government that is presently destroying the very fabric of human relations - the family - and enslaving its people in the manner that even the Communist rulers in Russia have not dared attempt? Responsible governments of free nations still have some responsibility to mankind and civilization. History has shown the recognition of the Soviet Union to have been a grievous error. We should not repeat that error with Red China.

9. Halt nuclear tests: The Communist tactic to obtain an agreement with the West halting nuclear tests is similar to Soviet exploitation of the agreement made at Panmunjom, namely not to rearm the North and South Koreans with jet planes and other modern weapons. The Soviets promptly violated this agreement. Then they violated its inspection clause by refusing to permit the neutral inspection team to inspect North Korean airfields.

The suspension of nuclear tests without complete inspection would result in the United States termination of testing. However, within the vast, isolated Soviet land mass, there would be a circumvention of this ban on testing.

10. East-West trade: Khrushchev's report of February 14, 1956 before the 20th Congress of the Communist Party of the Soviet Union calls for East-West trade; 32/ and this has been a part of the Communist line for many years. Foreign trade, to a Communist country is a political weapon to be turned on and off in accordance with its military strategy as a means of waging cold war. It is a means of obtaining from the outside world the strategic materials with which it can arm itself for world conquest. Trading with the Communist bloc would be a psychological as well as a military defeat for the United States. The goods we might sell to the

Communist bloc will be used against us just as the superb Rolls-Royce jet engines sold to Russia were used to power the Mig 15's against us in Korea.

In May 1958, Khrushchev sent an 8-page letter to President Eisenhower in which he brazenly suggested that the United States grant Soviet Russia long-term dollar credits in order to finance trade with the United States. We would not gain by trading our machinery for Soviet I O U's or even Russia's raw materials. The Senate Report on the "Accessibility of Strategic and Critical Materials" issued July 9, 1954, shows that the Western Hemisphere contains all the 77 critical and strategic materials needed for military security. The bait of foreign trade is held out with the objective of developing pro-Soviet sympathy within the United States and thus undermining our national unity. 33/

11. Propaganda: Communists are spending billions annually on propaganda around the world and it is reaching every city and hamlet in our Nation. This propaganda comes not only from the Soviet Union but also from Red China, from Iron Curtain countries, and from Western Europe. Much additional Red propaganda is published in the United States by Communist publishers.

12. Humiliation: The Communists use the tactic of humiliation. This tactic had already been used by the Communists on American prisoners in Korea. Communists have been active in supporting insulting demonstrations all over South America. On July 18, 1958, a mob of 100,000 Communists gathered in front of the American Embassy in Moscow and threw ink bottles and stones which shattered many of the windows on the first five floors. There has been a wave of demonstrations against the American Information agencies in various parts of the world, accompanied by burnings of the American libraries. A number of Americans are being held captive behind the iron curtain.

It was not hindsight, it was sound appraisal when Secretary of State Bainbridge Colby said on August 10, 1920:

"The existing regime in Russia is based upon the negation of every principle of honor and good faith.*** The responsible leaders of the regime have frequently and openly boasted that they are willing to sign agreements and undertakings with foreign powers while not having the slightest intention of observing such undertakings or carrying out such agreements.*** Upon numerous occasions the responsible spokesmen of this power, and its official agencies, have declared that it is their understanding that the very existence of Bolshevism in Russia, the maintenance of their own rule, depends, and must continue to depend, upon the occurrence of revolutions in all other great civilized nations, including the United States, which will overthrow and destroy their governments and set up Bolshevik rule in their stead. They have made it quite plain that they intend to use every means, including, of course, diplomatic agencies, to promote such revolutionary movements in other countries.*** We cannot recognize, hold official relations with, or give friendly reception to the agents of a government which is determined and bound to conspire against our institutions; whose diplomats will be the agitators of dangerous revolt; whose spokesmen say that they sign agreements with no intention of keeping them."34/

It was not hindsight, but sound appraisal when Secretary of State Charles Evans Hughes stated on March 21, 1923:

"We are just as anxious in this Department and in every branch of the administration as you can possibly be, to promote peace in the world, to get rid of hatred, to have a spirit of mutual understanding, but the world we desire is a world not threatened with the destructive propaganda of the Soviet authorities, and one in which there will be good faith and the recognition of obligations and a sound basis of international intercourse."35/

It was not hindsight, it was sound appraisal when Robert F. Kelley, Chief of the Division of Eastern European Affairs in the Department of State, wrote in a memorandum dated July 27, 1933:

"The fundamental obstacle in the way of the establishment with Russia of the relations usual between nations in diplomatic intercourse is the world revolutionary aims and practices of the rulers of that country."

13. The Communist Tactic of Vilification: One of the most constantly used tactics and tools of the Communists - and those deliberately aiding them, or misled by them - is the effort to defame, destroy or becloud the reputation of anyone - whatever his position or standing - who exposes or fights Communism. No regard for truth is ever permitted to halt such campaign. Lies and half-truths are effective with the unthinking or the indifferent.

Example after example can be cited. Every member of Congressional Investigating Committees has been the victim of this tactic. The FBI and its dedicated Director have been a prime target - and will continue to be so long as they are effective in combatting Communism. Every judge who did not respond to their arguments became a subject for this tactic.

The irony of fate has frequently decreed that this tactic be used by ruling Communists - temporarily in power - against their "Comrade-rulers" of yesterday when the simple struggle for power makes their "comradeships" a threat within the ruling clique. The guillotine of office or rank - followed by the routine, groveling, demoralizing "confession" is frequently not enough. The campaign of vilification and defamation must still be pursued. The degradation of Communists knows no bottom.

We plead with the Bar - its leaders and members and the American people to understand this prime tactic of Communists and not to be misled by it. When the Bar thinks an American Agency or public official deserves criticism let them do it in the American way by going first to the public official or responsible administrator and call the facts to his attention. Perhaps there is another side to the issue. Those who charge Violation of Due Process can strengthen their position by first practicing the principles of due process. When the enforcement machinery of our State, County, Municipal or Federal Government comes under unjust attack it is the duty of members of the Bar as community leaders to come to their defense.

With each succeeding act of Soviet bad faith, many western spokesmen express surprise. When anti-Communists reply "You should have expected this", the politically naive make a common rejoinder: "That is mere hindsight; no one could have predicted that the Communists could be that bad." It is appropriate to point out that informed anti-Communists have always known and publicly stated that it is impossible to negotiate with international communism.

It is obvious that, so long as the Communist regime continues to carry on in other countries activities designed to bring about ultimately the overthrow of the government and institutions of these countries, the establishment of genuine friendly relations between Russia and those countries is out of the question. "36/

It was not hindsight, it was sound appraisal when United States Ambassador to Moscow Laurence Steinhardt reported, on June 17, 1941:

"My observation of the psychology of the individuals who are conducting Soviet foreign policy has long since convinced me that they do not and cannot be induced to reopen to the customary amenities, that it is not possible to create 'international good will' with them, that they will always sacrifice the future in favor of an immediate gain, and that they are not affected by ethical or moral considerations nor guided by the relationships which are customary between individuals of culture and breeding. Their psychology recognizes only firmness, power and force, and reflects primitive instincts and reactions entirely devoid of the restraints of civilization. I am of the opinion that they must be dealt with on this basis and on this basis alone. "37/

CURRENT FALLACIES ABOUT COMMUNISM

So much misinformation is current about communism that it is appropriate to expose some of the major fallacies.

1. "Communism in the United States is dwindling in power because the Party is dwindling in numbers."

This popular belief shows a complete misunderstanding of Leninism. Lenin's great contribution to communism was his principle of the dedicated few. He coined the expression "the fewer, the better." He originated the party of professional revolutionaries subject to military discipline. He rejected the idea of a popular party, and enunciated the principle that no one should be given party membership unless he was under discipline. This is how Lenin was able to establish communism in Russia with only a handful of supporters and later to take over Russia with only 40,000 followers.

It is just as false to measure the strength of communism in the United States by comparing the small number of party members with the large number of non-Communists, as it would be to measure the seaworthiness of a ship by comparing the area of its holes with the area of its hull. A few strategically placed holes can sink the largest ship.

A substantial strength of communism in the United States is the number of non-Communist organizations and individuals who will collaborate with the Communists. For every Communist Party member, there may be 10 non-Communists who will do the work of the Communists.

The Communists have had hundreds of fronts. In addition, they have "fronts in front of the fronts". Making use of their fellow travelers and dupes, plus their "united front tactic", the Communists boast they can have 50,000 letters on any issue sent to Capitol Hill or the White House inside of 72 hours.

The strength of the Communist Party was succinctly dealt with by J. Edgar Hoover in his book "Masters of Deceit" where on page 5 he states:

"The Party's membership in this country reached a low in 1930 when it had 7500 members, and a peak of 80,000 in 1944: its membership at five-year intervals since 1930 has been as follows: 1935 - 30,000; 1940-55,000 (a drop of 15,000 from 1939); 1945 - 64,600 (a drop of 15,400 from 1944); 1950 - 43,200; 1955 - 22,600; and by the summer of 1957 membership had further declined*****

"Fluctuations in the American Party parallel those in foreign countries. The record clearly establishes that Communist Parties have the power of swift and solid growth when the opportunity arises. The following figures reflect how Party membership can dwindle and then spurt:

"In Italy, Party membership went from 6000 in 1943 to 2,500,000 in 1951; in France, from 20,000 in 1929 to 400,000 in 1956; in Syria, from 250 in 1931 to 10,000 in 1956; in Brazil, from 25,000 in late 1947 to 100,000 in 1956; and in Indonesia, from 30,000 in 1953 to 500,000 in 1956.

"When the Communist Party was at its peak in the United States it was stronger in numbers than the Soviet Party was at the time it seized power in Russia.

"The size of the Party in the various Soviet satellites at the time each came under Soviet control discloses how a well-organized band of revolutionaries can impose its rule over the majority population."

	<u>Date of Communist Take-Over</u>	<u>CP Member- ship on that Date</u>	<u>Population on that Date</u>
BULGARIA	September 1945	20,000	7,020,000
ROUMANIA	March 1945	800,000	16,409,000
POLAND	January 1949	1,000,000	25,225,000
CZECHOSLOVAKIA	May 1948	1,329,000	12,338,000
HUNGARY	August 1947	750,000	9,383,000
ALBANIA	December 1945	12,000	1,120,000
YUGOSLAVIA	Mid-1945	141,000	14,500,000

2. "The Communist Party is just another political party."

It has been established by the hearings of the Subversive Activities Control Board in 1951 and 1952, by 20 years of investigation by congressional committees, and by the prior decisions of the Supreme Court in Dennis v. United States 38/ and in American Communications Association v. Douds, 39/ that the Communist Party U. S. A. is not just a minor political party like the Prohibition Party. In the Dennis case, Chief Justice Vinson rightly described the Communist Party as "a highly organized conspiracy, with rigidly disciplined members subject to call when the leaders, these petitioners, felt that the time had come for action."

Like an iceberg, eight-ninths of the Communist Party has always been underground. The crypto-Communists who carry no cards, and whose names appear on no party records, are the most dangerous Communists. Top Communist agents such as Klaus Fuchs, Guy Burgess, and Donald MacLean never marched in a May day parade, never carried a hammer and sickle banner, never raised a clenched fist at a Red rally. They were effective agents because they were always underground conspirators, and never above-ground. Communism will never win or gain followers on the basis of merit of its ideology or of truth. Ironically there are also those who have been infected with the Communist Propaganda of Inevitability. Secretary of State John Foster Dulles dealt with this matter in a speech before the National Council of Churches in Cleveland, Ohio, last November when he said:

"There are some who seem to feel that because international communism is a powerful and stubborn force, we should give way before it.

"Nothing could be more dangerous than to operate on the theory that if hostile and evil forces do not readily change, it is always we who must change to accommodate them.

"But let us make our opposition not just a barren negative, but a positive alternative." 40/

3. "Poverty breeds communism".

This is the false "stomach" theory of communism. Communism is not a disease caused by an empty stomach; it is a disease of the mind and soul. Communism does not always originate with the poor, the uneducated, the exploited or the working class. These groups are the victims of exploitation by the Communists. On the other hand, the world's roster of Communists contains the names of many who were well educated and came from families of immense wealth. The list of important Communist agents who were once known as student intellectuals is an endless one. All that is needed is to call the role of important Communist leaders and Secret Agents and among them will be found once well-fed ingrates who were traitors to their society, in their quest for personal power.

4. "The only alternative to peaceful coexistence is World War III with nuclear destruction of our cities."

The Communists do not want to destroy us or our cities if they can take our cities intact as they captured Prague and the giant Skoda munitions works. They plan to capture America with native Communists, just as they took Czechoslovakia with Czechs, China with Chinese, Indochina with Indochinese, South Korea with Koreans, and almost took Spain with Spaniards. Why should they want to destroy our productive might if they can win it by subversion and convert it to furthering the Communist World?

Sir Winston Churchill, whose ability to look ahead has been established as a historical fact said, more than 20 years ago:

"Communism is not only a creed. It is a plan of campaign. A Communist is not only the holder of certain opinions; he is the pledged adept of a well-thought-out means of enforcing them. The anatomy of discontent and revolution has been studied in every phase and aspect, and a veritable drill book prepared in a scientific spirit for subverting all existing institutions. The method of enforcement is as much a part of the Communist faith as the doctrine itself.

"At first the time-honored principles of Liberalism and Democracy are invoked to shelter the infant organism. Free speech, the right of public meeting, every form of lawful political agitation and constitutional right are paraded and asserted. Alliance is sought with every popular movement towards the left.

"The creation of a mild Liberal or Socialist regime in some period of convulsion is the first milestone. But no sooner has this been created than it is to be overthrown. Woes and scarcity resulting from confusion must be exploited. Collisions, if possible attended with bloodshed, are to be arranged between the agents of the New Government and the working people. Martyrs are to be manufactured.

"Pacific propaganda may be made the mask of hatreds never before manifested among men.

"No faith need be, indeed may be, kept with non-Communists.

"Every act of good will, of tolerance, of conciliation, of mercy, of magnanimity on the part of Governments or Statesmen is to be utilized for their ruin.

"Then when the time is ripe and the moment opportune, every form of lethal violence from mob revolt to private assassination must be used without stint or compunction. The citadel will be stormed under the banners of Liberty and Democracy; and once the apparatus of power is in the hands of the Brotherhood, all opposition, all contrary opinions must be extinguished by death.

"Democracy is but a tool to be used and afterwards broken; Liberty but a sentimental folly unworthy of the logician.

"The absolute rule of a self-chosen oligarchy, according to the dogmas it has learned by rote, is to be imposed upon mankind without mitigations progressively forever.

"All this, set out in prosy test books - written also in blood in the history of several powerful nations - - is the Communists faith and purpose."41/

The need for all Americans is to know the Communist Objectives and what they stand for. In 1937 Pope Pius XI asked a searching question about communism:

"How is it possible that such a system, long since rejected scientifically and now proved erroneous by experience, how is it, we ask, that such a system could spread so rapidly in all parts of the world?"

He answered his own question in these words: "The explanation lies in the fact that too few have been able to grasp the nature of Communism."

Twenty-one years later, an additional 750 million human beings have been swept behind the Iron Curtain. But it is unfortunately still true that all too few people understand what communism is. Two years ago our committee reported:

"The greatest asset the Communists have at the present time is not the hydrogen bomb, certainly not Soviet satellites, but world ignorance of their tactics, strategy and objectives."

When our enemy was Nazi Germany, our Government and military leaders studied every detail of the enemy and his strategy. George S. Patton was one of the truly great generals of the European campaign. Early in World War II, when the Germans were advancing, General Patton was asked one day if he wasn't discouraged. His answer was precise:

"I have studied the German for 40 years. I have read the memoirs of his great men. I have studied every detail of all his military campaigns. I have attended some of his staff courses. I know exactly how he will react under any given set of circumstances. He does not know what I will do. For this reason, when the time comes, I shall beat the hell out of him."

And this he did. The tragedy is found in the fact that there are too few George Pattons.

We can no more save our Republic from communism merely by saying we are against communism, than parents can save their children from polio by fervently being against polio. To conquer any disease requires intelligent study to isolate the germ and discover the vaccine. As the number-one killer in the world today, communism is a disease which merits our urgent study.

REPORT ON COMMUNIST LEGAL SUBVERSION

On Monday, February 16, 1959, The House Un-American Activities Committee made public its report on "Communist Legal Subversion" - the role of the Communist Lawyer.

We shall not attempt in this already long report to summarize this Congressional Report. The report should be read not only by every member of this Association, but particularly by the officers of the various

state and local Bar Associations of which some of the attorneys mentioned in the report are members. The report does not name every attorney who is a Communist or a member of the Communist Party, but sufficient of them are named to constitute a challenge to the Bar. The ABA, while ready to assist, nevertheless, has deemed it more properly to be within the jurisdiction of the state and local associations to take action of investigation and where warranted disciplinary proceedings concerning and against members on their rolls. Our Committee feels that no new resolution need be passed by the House of Delegates as it has already recommended proper action by the state and local associations against attorneys unworthy of membership in the provision by reason of their activities and their disloyalty to our form of government and to their oaths of office.

On this serious problem, the duty of cleansing our ranks of unworthy or questionable members is that of the Bar, and the entire Bar will suffer until the stigma on its rolls is removed. With sincere regret our Committee must publicly state that the state and local Bar Associations have not fulfilled their duty to the public, the Courts or the Bar.

CONCLUSION

Upon the Bar of each nation primarily falls the duty to protect and defend its Constitutional form of government and courageously to lead and soundly to advise the peoples and their governments. By their very training and experience, none more than lawyers should be aware of the dangers and the menace of international Communism - and, therefore, none is more responsible for the protection of the Free world.

Remember, there is no Bar worthy of the name in Communist enslaved countries.

Only by alertness and dedication can the organized Bar and each of its members perform their duty.

The danger and the menace of Communism are worse than ever. Precious time is running out.

Wishes and prayers are not enough.

Respectfully submitted,

Peter Campbell Brown, Chairman	
Julius Applebaum	Kendrick Smith
James S. Cremins	Henry J. TePaske
Egbert L. Haywood	Jackson A. Wright
Ray Murphy	Louis C. Wyman
Louis B. Nichols	

FOOTNOTES

1. P.vi
2. American Bar Assn. Journal May 1958, pp. 425-426
3. 339 U.S. 382, 424
4. 320 U.S. 118, 170
5. 341 U.S. 494
6. Subversive Activities Control Board Report, S. Doc. No. 41, 83rd Cong. 1st sess. April 23, 1953
7. The frequency of dissents in the Supreme Court decisions on matters relating to communists reflects how the Court is divided and supports the thesis of this Committee that corrective action is called for by the enactment of legislation.
8. "Manifesto of the Communist Party" by Karl Marx and Friedrich Engels (International Publishers, New York, 1932), p. 44.
9. Collected Works of Lenin, Vol. 9 Russian, 4th ed. pp. 290, 291; Proletarian No. 20, 1905; address of Secretary of State Dulles before Atomic Power Institute, Durham, New Hampshire, May 2, 1958.
10. Stalin - Elections in Petersburg (Jan. 12, 1913, Sochineniya (Gospolitizdat, Moscow, 1946), Vol. II, p. 277.)
11. Mikolajczyk, Stanislaw, The Rape of Poland, New York, McGraw-Hill Book Co. 1948, pp. 111-112
12. Ibid. footnote 8, Section II.
13. V. I. Lenin Selected Works (International Publishers, New York, 1943, pp. 95, 96)
14. Lenin, "Speech to Moscow Part Nuclei Secretaries" (Nov. 26, 1920); Selected Works (International Publishers, New York, 1943, Vol. III, p. 297)
15. St. Louis Post-Dispatch, Sept. 16, 1955
16. U. S. News & World Report, Dec. 27, 1957, p. 32
17. Foundations of Leninism, Little Lenin Library ed. p. 98
18. HUAC, Marxist Classics, op. cit. p. 187.
19. U. S. House Appropriations Subcommittee Hearings on the Dept. of Justice, Jan. 16, 1958, p. 173.
20. Ibid. p. 174
21. Editorial, June 19, 1957
22. Ehrmann, Henry W., The Duty of Disclosures in Parliamentary Investigations: A Comparative Study, 11 University of Chicago Law Review, 117-153, February 1944
23. HUAC Marxist Classics, op. cit. pp. xxiv-xxv
24. Hearings on the Dept. of Justice, op. cit. p. 178
25. U. S. House Katyn Forest Committee Final Report, Dec. 22, 1952

26. U. S. Senate Committee on Government Operations, Permanent Subcommittee on Investigations, Korean War Atrocities, Jan. 11, 1954.
27. "Scope of Soviet Activity", Part 51, pp 3434, 3435
28. June 27, 1946
29. Aug. 22, 1955
30. Jan. 2, 1953
31. November 1957, p. 20
32. HUAC Marxist Classics, op. cit. pp. xxxIII-xxxIV
33. The USSR still owes vast sums to the United States that are overdue and unpaid
34. U. S. Senate Internal Security Subcommittee, Second Report, March 22, 1954, p. 41
35. U. S. News & World Report, Dec. 17, 1954, p. 128
36. Ibid. p. 130
37. Ibid. July 4, 1958, p. 72
38. 341 U. S. 494
39. 339 U. S. 382
40. New York Times, Nov. 19, 1958, p. 6
41. Great Contemporaries, by Winston Churchill (G.P. Putnam & Sons, New York, 1937), p. 168

APPENDIX -- RECOMMENDED READING

Books play a vitally important part in the history of government and economics. One need only mention Das Kapital, the Wealth of Nations, Uncle Tom's Cabin, and the Federalist Papers to be reminded that books have started wars, changed the economy of great nations, and established new governments.

A number of books published in the past by some of the world's top experts on communism testify to the overriding importance of the Communist issue, and to the unhappy reality that the United States is losing the battle against international communism. A study of the following books and reports could halt the rising tide of world communism.

1. Congressional committee hearings and reports: For 20 years the House Un-American Activities Committee has been patiently investigating the Communist conspiracy. The reports of its hearings, and those of its Senate counterpart, the Internal Security Subcommittee, are an encyclopedia of information on this continuing conspiracy. The abuse which has been heaped upon these committees by the Communists and their fronts is itself an attestation of the value of these reports.

2. Masters of Deceit: The Story of Communism in America and How to Fight it By FBI Director J. Edgar Hoover, (Henry Holt and Co. New York, 1958, \$5). Mr. Hoover's preeminence as an authority on communism is unchallenged. This book provides us with a valuable primer on communism in the United States; its history, strategy, membership and future. He describes the day-to-day operations of the Communist Party, what goes on underground, and how discipline is enforced. He shatters many anti-anti- Communist arguments and shows why this is no time for complacency regarding internal subversion.

3. What We Must Know About Communism - by: Dr. Harry and Bonaro Overstreet (W. W. Norton & Co. Inc., 1958 - \$3.95). These well known Educators and foremost authorities in adult education examine Communism and report from an educator's viewpoint in a clear factual manner. Many authorities on Communism regard this book as one of the great contributions to Anti-Communist literature.

4. No Wonder We are Losing by Judge Robert Morris (The Bookmailer, New York, 1958, \$2.50). Judge Morris has put into this book his personal record of 17 years' investigation of communism on behalf of the New York State Legislature, Naval Intelligence, and as chief

counsel for the Senate Internal Security Subcommittee. Particularly important chapters concern the famous hearings on the Institute of Pacific Relations, communism's reach into education, and methods and rules of congressional committees.

5. *I Was A Slave In Russia*, by John H. Noble (Devin-Adair Co. New York 1958; \$3.75). The author, an American citizen, was captured by the Russians just after V-E Day in 1945 and held prisoner for 9 years. In this book, he tells of his shocking experiences as a slave laborer in Siberia; of other Americans who are still there; and of the millions of political prisoners and how they are treated. This book is especially useful for those who believe in summit conferences and cultural exchanges with the Communists.

6. *Communist Psychological Warfare: Consultation with Edward Hunter*, by the United States House Un-American Activities Committee (U.S. Government Printing Office, March 13, 1958). In 25 pages of testimony under questioning by Staff Director Richard Arens, Edward Hunter gives a brilliant analysis of current Communist strategy and how it follows here the pattern so successful in Asia. A distinguished journalist, author, and expert on communism in the Far East, Mr. Hunter first translated the term "brain-washing" from the Chinese. In this report he warns that Communist psychological warfare is now winning such extensive victories in the United States that the Red bloc will not need to employ direct military force against us in order to win the total war which they are waging.

7. *International Communism: Consultation with Dr. Fred C. Schwarz* by the United States House Un-American Activities Committee (U.S. Government Printing Office, May 29, 1957). Dr. Schwarz is an Australian physician who is one of the world's top authorities on communism, particularly on the Communist mind. In this testimony, Dr. Schwarz gives his expert diagnosis, prognosis, and recommended treatment for the disease of communism. He shows how the first step in the Communist conquest of every country is the ideological conquest of the student mind.

8. *A guide to Anti-Communist Action*, by Dr. Anthony T. Bouscaren (Henry Regnery Co., Chicago, 1958, \$4). Dr. Bouscaren is the author of a number of authoritative works in the field of international Communist operations. He is a professor of political science at Marquette University, Milwaukee, Wis., and is currently teaching at the National War College, in Washington, D. C. This book provides specific answers to the question of how individual Americans can combat communism with knowledge and facts.

9. The Naked Communist by W. Cleon Skousen (The Ensign Publishing Co., Salt Lake City, Utah, 1958). The author was formerly with the FBI and on the faculty of Brigham Young University and now Chief of Police, Salt Lake City, Utah; has been a student of Communism for the better part of his adult life. His book is a painstaking account of the rise of communism, its philosophy, methods and tactics. The book is well indexed and documented and belongs on the bookshelves of any one who has a desire to learn of Communism and its world-wide objectives.

FEDERAL BUREAU OF INVESTIGATION

Room 5744 711, 1959

TO:

Director	Mr. Tolson
Mr. Belmont	Mr. Belmont
Mr. DeLoach	Mr. DeLoach
Mr. Mohr	Mr. McGuire
Mr. Rosen	Mr. Mohr
Mr. Tamm	Mr. Parsons
Mr. McGuire	Mr. Rosen
Mr. Trotter	Mr. Tamm
Mr. Parsons	Mr. Trotter
Mr. Clayton	Mr. Holloman
Mr. Holloman	Miss Gandy
Miss Gandy	
Personnel Files Section	
Records Branch	
Mrs. Skillman	
Mrs. Brown	

See Me

For appropriate action

Send File

Note and Return

7-2-

Clyde Tolson

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: February 26, 1959

FROM : C. D. DeLoach

SUBJECT: AMERICAN BAR ASSOCIATION (ABA)
MID-YEAR MEETING, CHICAGO
2/20-24/59

Tolson
Belmont
DeLoach
McGuire
Mohr
Parsons
Rosen
Tamm
Trotter
Tele. Room
Holloman
Gandy

SYNOPSIS:

This is synopsis of American Bar Association (ABA) Mid-Year Meeting attended by H. L. Edwards at Edgewater Beach Hotel, Chicago, 2/20-24/59. L. B. Nichols also there 2/21-24/59 plus approximately 700 other members of ABA.

1. COMMITTEE ON COMMUNIST TACTICS, STRATEGY AND OBJECTIVES:

House of Delegates passed this Committee's report which was high-light of meeting and subject of much publicity. The 50-page report contained five recommendations primarily designed to pinpoint needed corrective and strengthening legislation by Congress to eliminate obstacles to preservation of internal security resulting from numerous recent U. S. Supreme Court decisions. Attorney Arthur J. Freund (St. Louis, Missouri) spearheaded the attack and succeeded the first day the report came up in having report tabled for one day to give delegates opportunity to study it. Freund made additional comment picked up by news services that he did not consider report "worthy" of ABA. When report was again brought up next day (2/24/59) all recommendations were passed with only minor insignificant changes in phraseology not affecting substance. Effort to postpone further consideration of report until American Bar meeting in August was overwhelmingly defeated. Included among the delegates whose floor speeches did much to defeat the opposing forces were [redacted] of California; Alfred J. Schweppe of Seattle; University of Michigan Law Professor Oppenheim (formerly taught Mr. Nichols); Committee Chairman Peter Campbell Brown did excellent job of presenting report to House of Delegates. Mr. Nichols, a member of the Committee, was tied up during most of convention planning and carrying out strategy to insure passage of report. He is very proud of successful outcome. Report is extremely complimentary of FBI and Director. Report previously analyzed by Domestic Intelligence Division and suggested changes were incorporated in final draft through Mr. Nichols' efforts. Copy of report as passed attached.

ENCLOSURE

Enclosures:

- 1 - Mr. Belmont
- 1 - Mr. Mohr
- 1 - Mr. Rosen
- 1 - Mr. Tamm (Attention: Mr. Dalbey)
- 1 - Mr. Hoxie
- 1 - Mr. Edwards

SENT DIRECTOR

12-27-59

EX-

REC-28

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TWO

PERS. FILES

DeLoach memo to Tolson
Re: American Bar Association

2-26-59

2. NOMINATION OF NEW ABA PRESIDENT AND PRESIDENT-ELECT:

Attorney John D. Randall of Cedar Rapids, Iowa, was nominated for position of President, and Whitney North Seymour, Sr., New York, for newly created position of President-Elect which position becomes President a year later. The third contender for presidency, John C. Satterfield of Jackson, Mississippi, was not nominated. Election will be at Annual Meeting in August. No derogatory information in Bureau files regarding Randall who has been member of Bar since 1923 and belongs to numerous organizations. Customary letter congratulating Randall on nomination attached for approval.

This is bad news.

Seymour is subject of much questionable information in Bureau files, summaries of which were sent to Attorney General 9/20/56 and 1/26/59 calling his attention to fact Seymour seeking presidency. Bureau files reflect numerous questionable affiliations of Seymour who was formerly Assistant Solicitor General. Included are Civil Rights Committee of New York State Bar Association; American Russian Institute for Cultural Relations with Soviet Union; National Lawyers Guild, 1937; Russian War Relief; American-Russian Chamber of Commerce, 1937; American Civil Liberties Union's Special Committee on Conscientious Objectors; ABA Committee to Investigate Congressional Investigations and their Impact on U. S. Life, 1953 (subsidized by Fund for Republic); Chairman of Special Committee on Wire Tapping and Eavesdropping of the New York City Bar which recommended tighter court order rulings on wire tapping; currently Chairman of Board of Trustees of Carnegie Endowment for International Peace; suggested as possible attorney to handle appeal of 11 members of Communist Party National Board, 1950. Edwards observed at ABA meeting that Seymour in lobby patted Freund on back and commented "nice work" after Freund had Committee report tabled first day.

3. FEDERAL JUDICIARY: Committee Chairman [redacted] Philadelphia, Pennsylvania, gave complimentary report on progress in breaking log jam of judgeship appointments; indicated his Committee has been working closely with Attorney General and Deputy Attorney General Walsh in reporting on qualifications of candidates. These reports supplement Bureau investigative reports and have resulted in 16 cases where findings indicated candidate not qualified. [redacted] stated that of 20 judgeship nominations sent through by President during 1958 and thus far in 1959, at least 15 were reported by Committee as well or exceptionally well qualified. He stated Judge Walsh assured him 7 more appointments would go through 2/25 or 26/59. (This information telephoned to Bureau by Edwards particularly to alert Investigative Division.) Judge Walsh took the floor and thanked the Committee and ABA for favorable comments and assistance upon these appointments.

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DeLoach memo to Tolson
Re: American Bar Association

2-26-59

4. SPECIAL COMMITTEE ON ATOMIC ATTACK: Recommended state legislatures adopt provisions to insure continuity of civilian government and civilian law and order to avoid martial law in case of atomic attack; stated U. S. Supreme Court already has good provision but Circuit Courts of Appeal and District Court have not yet perfected theirs.

5. SECTION ON CRIMINAL LAW: Nothing pertinent reported for House of Delegates action. Edwards was guest at meeting of Council of Criminal Law Section 2/23/59. Agenda for Annual ABA Meeting in August discussed and decision made to include some token presentation of program on capital punishment (a pet subject of Jim Bennett of Bureau of Prisons, who did not attend the Mid-Year Meeting). Bennett was supported by Freund in advocating a study of capital punishment in this country based on an exhaustive study of British Royal Commission. Council concluded no useful purpose would be served in going over the same ground the British had covered well and if anything the capital punishment angle should be limited to something special like penalties for traffic fatalities. Council discarded suggestion for including something on reporting crime statistics as being too dry to do any good at Miami. Racketeering and organized crime was considered a desirable attention getting topic for Miami agenda. The Council did not firm up any specifics on how this item would be handled. It was felt timely in view of the current juke box publicity. Edwards will follow this very closely with King to see what he has in mind. Council will try to combine its Miami Luncheon with Junior Bar Association before main ABA meeting begins to try to attract recruits. They plan to have prominent speaker as guest. Rufus King mentioned Director as possibility but realizes Director's commitments, shortage of time and his appearance at last annual meeting would prevent this. *will never appear before C.S. Section on Longgo, Freund, Bennett*

6. MISCELLANEOUS: (a) ABA President Ross L. Malone asked Edwards to extend best wishes to Director whom he respects highly. Proposed letter to Malone attached for approval. (b & c) Numerous other individuals expressed to Edwards highest regard for Director and FBI including Julius Applebaum of Miami, Florida, and Peter Campbell Brown of New York, as well as New Hampshire Attorney General

(d, e & f)

IL [redacted] is well known in ABA and went out of his way to introduce Edwards and enable him to attend numerous special sessions including the Annual Banquet for Fellows of the American Bar Foundation where Henry R. Luce of "Time" Magazine was guest speaker and the Annual Luncheon for Fellows where Senator Hugh D. Scott, Jr., of Pennsylvania made an outstanding speech on education and citizenship. [redacted] was particularly valuable in pointing out some of the pro-Seymour elements and personally is very worried at Seymour's nomination as President-Elect. Letter of appreciation to [redacted] for his extremely valuable help is attached for approval.

DeLoach memo to Tolson
Re: American Bar Association

2-26-59

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(g) ABA will hold regional meeting Pittsburgh, Pennsylvania, 3/11-13/59 which Edwards feels he should attend to further his acquaintances and become more familiar with ABA in advance of Annual Meeting in Miami. [redacted] advised Edwards he is on speaking program in Pittsburgh on subject organized crime. Some of officers of Criminal Law Section will attend Pittsburgh meeting. Recommendation for Edwards' attendance follows. (h) Annual Meeting scheduled for 8/24-28/59 at Miami Beach and several thousand ABA members expected. Edwards feels Bureau representation at this meeting should include Special Agent Supervisor Herbert Hoxie who has attended some prior ABA meetings. Impossible for one man to effectively maintain liaison at Annual Meetings because so many different activities of interest are going on simultaneously and more than one individual is required to keep abreast of all activities and promptly report on matters of interest. Recommendation for the approval of Hoxie to assist Edwards at Miami being made below.

7. ADDITIONAL COMMENTS: While in Chicago, Edwards held a test seminar with approximately 270 Agents and Supervisors of the Chicago Office; personally met news commentator Paul Harvey, his wife and son; and telephoned [redacted] Separate memoranda submitted on these matters.

Also Edwards met [redacted] Permanent Secretary of the National Association of Attorneys General, and laid the ground work for the Committee meeting in Washington, 2/25/59 which is working on the agenda for the forthcoming Annual Meeting at New Orleans in May, 1959. Separate memorandum being submitted.

Separate memorandum also submitted to report on information regarding Annual Bar Foundation (ABF) survey of criminal justice which has completed its pilot study covering Michigan, Kansas and Wisconsin, prepared 7 volume report but made no analysis, conclusions or recommendations. Edwards learned that Law Professor [redacted] of Madison, Wisconsin, has received approval of ABF to obtain additional grant of \$103,000 from Ford Foundation to analyze this report and make appropriate conclusions. Separate memorandum being submitted.

RECOMMENDATIONS:

(1) That the attached letters to the newly nominated President John D. Randall, SAC Contact [redacted] and current President Ross L. Malone be approved.

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(Recommendations continued next page)

DeLoach memo to Tolson
Re: American Bar Association

2-26-59

(2) That approval be given for Edwards to attend the ABA regional meeting at Pittsburgh, Pennsylvania, 3/11-13/59.

I agree
✓ KRC
2/27

T

OK.
OK.

(3) That approval be given for Hoxie to assist Edwards at the Annual ABA Meeting at Miami Beach 8/24-28/59.

I agree
✓ KRC
2/27

OK & I hope my representa-
tion at Miami Beach is more
productive than I was at
Los Angeles. H.

ADDENDUM, CDD:FML, 2/27/58:

In view of the foregoing excellent report and the very obvious initial aggressive action which Edwards took in this, his first American Bar Association assignment, I believe he should be commended by letter from the Director.

I agree
✓ KRC
OK. 2/27

T
Letter to Mr. 3/4/59
Edwards
CDD/ML

A letter may be written also
to Peter C. Brown commending
him for his work.

- 1.D -

H

2-26-59

DETAILS

H. L. Edwards attended the American Bar Association (ABA) Mid-Year Meeting at the Edgewater Beach Hotel, Chicago, 2/20-24/59. No other Bureau representative attended, but L. B. Nichols was there from 2/21 through the afternoon of 2-24-59. Approximately 700 members of the ABA attended. A summary of the highlights of this meeting follows:

1. COMMITTEE ON COMMUNIST TACTICS, STRATEGY AND OBJECTIVES:

The report of this Committee and passage of its five recommendations constituted the highlight of the meeting and was the subject of much newspaper, radio and television publicity. The report was presented to the House of Delegates by the Committee Chairman, Peter Campbell Brown, on 2/23/59. Brown hardly finished his introductory comments and was in the act of moving passage of the first recommendation when a "bombshell" was thrown into the proceedings by delegate Arthur J. Freund (St. Louis, Missouri) taking the floor and moving that further consideration of the report be tabled until 10:00 a. m. the next day to give everyone of the 270 delegates an opportunity to study the 50-page report. This motion easily carried and would not have put Freund in such a bad light if it had not been for his making the independent additional voluntary comment that he, personally, was not in favor of the report and did not consider it "worthy" of the American Bar Association. He did not amplify this statement but it was picked up by news commentators and played up considerably. Consideration of the Committee report was resumed the next morning when the House of Delegates convened at 10:00 a. m. After about two hours of miscellaneous debate of amendments, the five Committee recommendations passed without substantial change. A few insignificant changes in phraseology were made by motions to amend, most of which were readily agreed to by the Committee. Edwards obtained from Mr. Nichols a copy of the 50-page report with the amendments inked in (attached).

Most of the concern expressed in debate on the report centered around an apparent reluctance on the part of some delegates to being placed in the position of criticizing the U. S. Supreme Court. New York delegate [redacted] tried to get consideration of the report postponed until the Annual Meeting in August citing an editorial in the "New York Times" which he claimed cautioned against the report because of its "overtones" of criticism of the Supreme Court. [redacted] of California can be credited largely with helping to defeat this postponement by making a stirring and vigorous retort -- "since when does the American Bar Association let the 'New York Times' run its business"; and that it is time "we lawyers stand up and let ourselves be counted." Alfred J. Schweppe of Seattle, Washington, said the ABA has been reluctant for years to criticize the

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U. S. Supreme Court but he thinks the time has come when the Bar should lead in rightful criticism of it. Professor S. Chesterfield Oppenheim, University of Michigan Law School (a close friend of Mr. Nichols and his former professor), stated he wanted to speak as a man who has taught law 31 years; that school law reviews are recognized as justifiable critics of the court and so much more so should the elder statesmen and lawyers of the ABA have that prerogative and duty. *mick*
ILL

ILL
[redacted] of Chicago raised a question on recommendation (c) of the 4th recommendation (recommending legislation to eliminate obstacles to the preservation of our internal security by establishing the right of each branch of Government to require as a condition of employment that each employee thereof shall not refuse to answer a query before a duly constituted committee of the Congress or before duly authorized officers of either the Executive or Judicial Branches of the Government with respect to communists, communist front or other subversive activities or any other matter bearing upon his loyalty to the United States; as the Government has a right to know his record) as to whether it was proper for the 5th amendment to be excepted on this situation. He stated that in his opinion the FBI and other investigative agencies should be able to determine the answer to this question in its applicant investigations without requiring "a man to convict himself out of his own mouth." He cited a book on the 5th amendment by Griswold of Harvard claiming that Griswold contended the 5th amendment was designed to protect all citizens. Peter Campbell Brown made a moving reply to Sears by stating that he and his colleagues have never accepted Griswold's book as the bible on the 5th amendment; that it is about time the American people realize that the "majority" have some civil rights and that the 5th amendment was never intended to be a cloak for perjury. Here again [redacted] came to the Committee's support and was applauded when he stated that the real question in this issue is "do subversives have the right to work for you and me as taxpayers"; and "have we come to the point where we have to let spies work for the Government?" *b6*
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The Committee report was previously reviewed in the Domestic Intelligence Division and the conclusion reached that after listing and briefly commenting upon 24 controversial decisions of the Supreme Court in the security field; the report goes into a documented analysis of the menace of communism; the Director is quoted frequently, primarily from "Masters of Deceit"; that only by alertness and dedication can the organized Bar and each of its members perform their duty against communism; that the danger and menace of communism are worse than ever and precious time is running out. You commented, "This looks like an excellent report." (See Baumgardner to Belmont memo 2-17-59)

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2-26-59

Mr. Nichols, a member of the Committee, was tied up during most of the convention planning and carrying out strategy to insure passage of this report. He is rightly very proud of the successful outcome. The report is extremely complimentary of the FBI and the Director.

2. NOMINATION OF NEW ABA PRESIDENT AND PRESIDENT-ELECT:

ABA President Ross L. Malone (Roswell, New Mexico) concludes his term of office at the adjournment of the Annual Meeting in August, 1959. The Mid-Year Meeting nominated John D. Randall of Cedar Rapids, Iowa, for President and Whitney North Seymour, Sr., for the newly created position of President-Elect, who becomes President a year later.

Although there was not any indication of any "fireworks" connected with these nominations, there was plenty of evidence at the Mid-Year Meeting of an active political campaign on behalf of Seymour. Both Seymour and his wife were "politicizing" every minute of the time and numerous individuals volunteered the comment to Edwards that Seymour is known to have quite a record of liberal affiliations, but everyone seemed to be unanimous in saying that he was a "very friendly fellow." There was little evidence of open campaigning on the part of John D. Randall and little seemed to be known about him. A third candidate for President, John C. Satterfield of Jackson, Mississippi, had his entire 5-member law firm and their wives at the meeting to campaign for him. He seemed to be highly thought of, reputed to be a conservative, forthright, high-type individual and many were surprised that he did not defeat Seymour for the President-Elect spot. Satterfield has a former Agent (Dan H. Shell) in his firm.

On 1/26/59 the Bureau sent a letter to the Attorney General calling his attention to the fact that Seymour was seeking presidency of the ABA and supplying the Attorney General with some additional questionable information in its files to supplement a similar type of information given the Attorney General under date of 9/20/56. The Bureau's files reflect numerous questionable affiliations on the part of Seymour who was formerly Assistant Solicitor General. Included are Chairman of the Civil Rights Committee of the New York State Bar Association; American Russian Institute for Cultural Relations with the Soviet Union, 1936-38; National Lawyers Guild, 1937; Russian War Relief, 1941-42; member of the Board of Directors of the American-Russian Chamber of Commerce, 1937; member of a special committee on Conscientious Objectors formed by the American Civil Liberties Union, 1940; suggested as possible attorney to handle the appeal of the 11 members of the Communist Party National Board before the Supreme Court, 1950; on the mailing list for a Hungarian Legation publication, 1951; Chairman of the ABA Committee to Investigate Congressional Investigations and their Impact on United States Life, 1953 (this Committee was granted money by Fund for the Republic for this study). According to "New York Herald Tribune" of 1/20/58, Seymour was

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Chairman of a Special Committee on Wire Tapping and Eavesdropping of the New York City Bar which recommended tighter court order rulings on wire tapping. The 1/15/59 issue of "American Bar News" reported he is the new Chairman of the Board of Trustees of the Carnegie Endowment for International Peace. In the lobby after Arthur Freund's successful motion to table consideration of the Communist Tactics Report for one day, Seymour was observed patting Freund on the back and telling him "nice work." Edwards ascertained this had also been observed by some others who commented "it could well cost Seymour the election."

Bureau files contain no derogatory information regarding Randall and Satterfield. Randall has been a member of the Bar since 1923 and practices law in Cedar Rapids, Iowa. He is a member of numerous organizations. Satterfield has practiced law in Jackson, Mississippi, since 1929 and also has been active in numerous Bar Association activities and other organizations.

The election will be held at the Annual Meeting in August by the House of Delegates.

3. FEDERAL JUDICIARY:

[redacted] Chairman of this Committee (Philadelphia, Pennsylvania), reported that much progress has been made in working out an excellent liaison with the Attorney General and Deputy Attorney General Walsh for making greater use than ever before of the Committee's reports on qualifications of candidates for lifetime judgeship appointments. He stated these supplement the investigative reports of the FBI and have resulted in 16 cases where the Committee reported that individuals under consideration were not qualified. In many other cases the Committee reports supplemented by investigative reports have enabled the selection of better qualified candidates. He said one of the big benefits has been that the specific findings of the Committee on unqualified candidates have given the Senators confidence in the Committee's work when the Senators can go back to the sources and confirm the lack of qualifications reported.

[redacted] stated that the log jam of judicial appointments has definitely been broken and that Judge Walsh had assured him that seven more appointments would go through 2/25 or 26/59. Of 20 judgeship nominations sent through by the President in 1958 and thus far in 1959 at least 15 were reported by the Committee as being well qualified or exceptionally well qualified.

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DeLoach memo to Tolson
Re: American Bar Association

2-26-59

Following [] report, Judge Walsh took the floor and thanked the Committee and the ABA for its favorable comments and its assistance upon these judicial appointments.

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4. SPECIAL COMMITTEE ON ATOMIC ATTACK:

ILL.

Chairman [] (Washington, D. C.) recommended and received House of Delegates approval for a resolution to have the ABA recommend to State Legislatures the adoption of legislation to assure the continuity of civilian government--Judicial, Legislative and Executive--and the continuation of civil law and order in the event of attack as an important measure in preparing for survival and revival, in order to avoid martial law in case of atomic attack, and as a deterrent to attack. The Committee reported that the U. S. Supreme Court had already made good provisions for continuity in the event of atomic attack but that the Circuit Courts of Appeal and the District Court had not yet done so.

5. SECTION ON CRIMINAL LAW:

Chairman Rufus King (Washington, D. C.) had nothing pertinent to report for House of Delegates action at the Mid-Year Meeting. The Section filed a report indicating it is creating a new committee to study the question of capital punishment and is actively engaged in efforts to find an acceptable solution to the problem of providing defense counsel for indigent persons accused of crime.

Edwards attended the meeting of the Council of the Criminal Law Section as a guest of L. B. Nichols, Monday night, 2/23/59. The meeting was devoted to discussing an agenda for the Annual ABA Meeting in Miami. James V. Bennett of the Bureau of Prisons did not attend the Mid-Year Meeting, but Arthur J. Freund (very close to Bennett) attended. Discussion for the Miami agenda centered around (1) capital punishment; (2) reporting crime statistics; and (3) racketeering activity (including organized crime, unions, efforts of unions to infiltrate into law enforcement such as occurred in New York and Memphis).

Regarding capital punishment, it was apparent that this is Bennett's pet and Freund appeared to be carrying the ball in Bennett's absence. Fortunately Mr. Nichols and other members of the Council were able to prevail and persuade the Council that nothing is to be gained by making any study of capital punishment with a view to trying to come up with any recommendations. Specific comment was made that the British Royal Commission had made an exhausted study on capital punishment and we could not improve upon it. The Council ended up with the conclusion that if capital punishment was put on the agenda for the Miami meeting it would be merely a token presentation of the subject confined largely to the British study. The Council felt at best the value of having it on the program would be as an "attention getter."

DeLoach memo to Tolson
Re: American Bar Association

2-26-59

Reporting crime statistics was discarded as being too dry a topic to do any good at Miami.

Racketeering and organized crime was considered a desirable topic for the Miami agenda. The Council did not firm up any specifics on how this item would be handled. Rufus King merely commented this subject was now timely in view of the juke box publicity. Edwards will follow this very closely with King to see what he has in mind.

The Council also decided to try to schedule a luncheon in the early stages of the Miami meeting to attract members of the Junior Bar Association before the rest of the convention assembles in an effort to attract additional recruits to the Criminal Law Section. Rufus King thought they could kill two birds with one stone by holding something for the attraction of the Junior Bar members in conjunction with the Criminal Law Section Luncheon and securing "a prominent man" as guest speaker. King said the first name that came to his mind was that of the Director but, of course, he realizes the Director's commitments would not permit handling this on such short notice and the further fact that the Director appeared at Los Angeles last year.

Edwards will maintain touch with Rufus King in order to keep tabs on the shaping up of the Miami program. Although Edwards has no voice in the program or the deliberations of the Council, he made the acquaintance of the key officers and will maintain close liaison with them.

6. MISCELLANEOUS:

(a) ABA President Ross L. Malone asked Edwards to extend his best wishes to the Director concerning whom Malone spoke with the highest admiration and respect. Malone is very well liked and it is obvious he has done an excellent job as President. His report as President evoked much favorable comment among members and he is definitely against the liberal elements.

(b) Julius Applebaum of Miami, Florida, member of the Committee on Communist Tactics, Strategy and Objectives, told Edwards he has the very highest regard for the Director and the FBI and that his respect for members of the FBI whom he has met almost approaches "reverence." Edwards thanked him.

(c) Peter Campbell Brown and New Hampshire Attorney General spoke very favorably of the Director and are obviously close friends of the Bureau.

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DeLoach memo to Tolson
Re: American Bar Association

2/26/59

(d) [redacted] who is [redacted]
[redacted] comes from Cincinnati, Ohio. [redacted]
[redacted] and his wife spoke
in glowing terms of SAC Mason. [redacted] is very wealthy and cannot do enough
for the Bureau. [redacted]

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[redacted] was briefed by Mason before
attending the ABA meeting concerning Edwards' attendance and went out of his way
to introduce Edwards to numerous members at the meeting. He was very helpful
particularly during much of the convention when Mr. Nichols was tied up on his
Communist Tactics project. Edwards is recommending a letter of appreciation
to [redacted] for his assistance at the meeting with a copy to SAC Mason.

(e) Henry R. Luce, Editor in Chief of "Time," "Life," and
"Fortune" Magazines, was the guest speaker at the Annual Banquet for Fellows
of the American Bar Foundation which Edwards attended Saturday evening,
2/21/59. He spoke on "The Rule of Law." His speech was primarily pointed
toward efforts to further the cause of world peace through adherence by Nations
to settlement of disputes through legal means. Senator Hugh D. Scott, Jr., from
Pennsylvania was a guest.

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(f) On Sunday, 2/22/59, Edwards attended the Annual Luncheon for
Fellows of the American Bar Foundation as the guest of [redacted]
The guest speaker was Senator Scott who made an inspiring talk on the need for
thoroughly revising education in the schools in order to return to some of the
real fundamentals with emphasis on history and good citizenship. He is an
excellent speaker. He was kidded about the fact that he was born and educated
in Virginia but elected Senator in Pennsylvania.

(g) The ABA will hold a regional meeting in Pittsburgh 3/11-13/59
which Edwards feels he should attend to further his acquaintances and become more
familiar with ABA in advance of the Annual Meeting in Miami. [redacted]
advised Edwards he is on the speaking program in Pittsburgh on the subject of
organized crime. Some of the officers of the Criminal Law Section will attend
Pittsburgh meeting. Recommendation for Edwards' attendance set forth.

(h) The Annual Meeting is scheduled for 8/24-28/59 at Miami Beach
and several thousand ABA members are expected. Edwards feels Bureau
representation at this meeting should include Special Agent Supervisor Herbert
Hoxie who has attended some prior ABA meetings. It is impossible for one man
to effectively maintain liaison at the Annual Meeting because so many different
activities of interest are going on simultaneously and more than one individual
is required to keep abreast of all activities and promptly report on matters of
interest. Recommendation for the approval of Hoxie to assist Edwards at Miami
being made.

DeLoach memo to Tolson
Re: American Bar Association

2-26-59

7. ADDITIONAL COMMENTS:

While in Chicago, Edwards held a test seminar with approximately 270 Agents and Supervisors of the Chicago Office; personally met news commentator Paul Harvey, his wife and son; and telephoned [redacted] Separate memoranda submitted on these matters.

Also, Edwards met [redacted] of the National Association of Attorneys General, and laid the ground work for the Committee meeting in Washington 2/25/59 which is working on the agenda for the forthcoming Annual Meeting at New Orleans in May, 1959.

b6
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Separate memorandum also submitted to report on information obtained regarding American Bar Foundation (ABF) survey of criminal justice which has completed its pilot study covering Michigan, Kansas and Wisconsin, prepared 7 volume report but made no analysis, conclusions or recommendations. Edwards learned that Law Professor [redacted] of Madison, Wisconsin, has received approval of ABF to obtain additional grant of \$103,000 from Ford Foundation to analyze this report and make appropriate conclusions. Separate memorandum being submitted.

SEE END OF SYNOPSIS FOR RECOMMENDATIONS

March 4, 1959

Honorable Peter Campbell Brown
Manning, Hollinger and Shea
41 East 42nd Street
New York 17, New York

40377

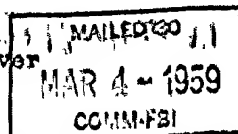
Dear Peter:

I have had the opportunity of seeing a copy of the fifty-page report of the Special Committee on Communist Tactics, Strategy and Objectives as approved by the House of Delegates of the American Bar Association at its mid-year meeting February 24, 1959. Inspector H. L. Edwards of this Bureau who attended that meeting witnessed the entire proceedings of the House of Delegates in acting on this report. He has given me a detailed account of the extremely adroit and effective manner in which you as Chairman of the Committee presented the report to the House and guided the recommendations to successful conclusion.

This action represents an extremely significant accomplishment and certainly the successful culmination of a tremendous amount of hard work on the part of your Committee. You, of course, know of my deep personal interest in problems so directly associated with the internal security of this country. I merely wish to add my sentiments to the overwhelming vote of confidence given your work by the various news media which reported upon it, and to express my personal commendation by means of this note for a task so well done.

- 1 - H. E. Hoxie
1 - H. E. Edwards

Sincerely,
J. Edgar Hoover



NOTE: See DeLoach to Tolson memo dated February 26, 1959, captioned American Bar Association (ABA) Mid-Year Meeting, Chicago, 2/20-24/59.

FILE:jci

(5)

EX-101

REC-28

94-1-368-1
MAR 17 1959

66 MAR 20 1959

TELETYPE UNIT

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MAILED 11
MAR 4 - 1959
COMM-FBI

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 2-27-59

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages A1516- Senator Bridges, (R) New Hampshire, extended his remarks concerning
A1518 the report submitted by the special committee on Communist tactics,
strategy, and objectives of the American Bar Association. Mr. Bridges
stated "This report has received nationwide attention because of its
momentous impact in the field of American law, dealing with recent
decisions of the Supreme Court in the field of internal security and
communism. It is a courageous and forthright document, from a
highly responsible source, which deserves the serious consideration of
all Americans who are concerned with the preservation of the American
way of life." He requested to have printed in the Record several
newspaper editorials concerning this report.

Page A1518 Senator Langer, (R) North Dakota, requested to have printed in the
Record an editorial from the New York Times of February 23, 1959,
entitled "What Is a Technicality?" Mr. Langer pointed out that the
editorial deals with the recent criticism of the Supreme Court by the
American Bar Association.

REC-92

NOT RECORDED

46 MAR 17 1959

EX 105

In the original of a memorandum captioned and dated as above, the Congressional
Record for Feb. 26, 1959, was reviewed and pertinent items were
marked for the Director's attention. This form has been prepared in order that
portions of a copy of the original memorandum may be clipped, mounted, and
placed in appropriate Bureau case or subject matter files.

67 MAR 19 1959

1. May 1 of each year has been designated by the President as "Law Day" as a result of a successful campaign waged by the American Bar Association. The purpose seems to be to use this annual event to counter the revolutionary May Day celebration of Russia and the countries in her orbit. The countering is done by emphasizing the Rule of Law and the superior governmental system; in other words, that we have government of law and not of men.

*being
done
⑧ WH*

It is suggested that the Bureau go along with this laudable objective through the Director's introduction to the FBI Law Enforcement Bulletin. In other words, it is suggested that the May 1 introduction to the Law Enforcement Bulletin each year be written to emphasize the Rule of Law with specific reference to law enforcement.

2. National Security Committee, American Legion, visited Quantico 1/28/59. Inspector C. D. DeLoach, Vice National Commander, American Legion, accompanied the National Security Committee to Quantico on January 28, 1959, where they were briefed on the operation of the FBI Academy and Ranges and toured our facilities at Quantico. 34 members were present and many favorable comments were received from them regarding their visit.

3. Post card folders, FBI Academy and Ranges, Quantico, Virginia

On January 26, 1959, first delivery was made on an order for 25,000 post card folders depicting in color scenes the FBI Academy and ranges, Quantico, Virginia. This purchase was financed by the FBI Recreation Association and provides an excellent memento for Agents and members of the National Academy receiving training at Quantico. Outlets for the sale of these post card folders are provided at the Academy, U. S. Marine Corps Post Exchange, Quantico, Virginia, Bureau library at the Seat of Government and on orders from the various field divisions. The reaction to these folders is excellent.

*2 auto states
3-18-59
195*

ENCLOSURE

94-1-369-1156.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 3/11/59

FROM :

Q. Tamm

SUBJECT:

PUBLIC RELATIONS MATTERS

b1

American Bar Association

Pursuant to Director's instructions there are submitted herewith additional items of possible news value.

RECOMMENDATION:

That this memorandum be referred to Crime Records Division for whatever use may be made of the enclosed material.

REC-39

MAR 17 1959

Enclosure

NAW:vfb

(2)

EX-135

ENCLOSURE

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60 MAR 19 1959

Tolson ☒
 Belmont ☒
 DeLoach ☒
 Mohr ☒
 Parsons ☒
 Rosen ☒
 Tamm ☒
 Trotter ☒
 W.C. Sullivan ☒
 Tele. Room ☒
 Holloman ☒
 Gandy ☒

44-1-362-1156
 94-1-17998
 66-65

WILLIAM A. SHEA
 PETER CAMPBELL BROWN
 CLAYTON D. HOLLINGER
 L. GARY CLEMENTE
 EDWIN A. LEWIS
 LOUIS SCHACK
 JAMES J. A. GALLAGHER
 DOUGLAS H. THAYER
 ALAN KRAMER
 BRUCE A. HECKER
 WILLIAM E. DEBEVOISE
 RALPH L. ELLIS
 ROBERT J. RUBEN
 DONALD W. RANDALL
 WILLIAM F. O'BRIEN
 JOHN J. MANNING (1953)

S. HOLLINGER & S
 41 EAST 42ND STREET
 NEW YORK 17, N. Y.

MURRAY
 CABLE
 HO
 GEORGE
 CC

Mr. Tolson
 Mr. Belmont
 Mr. Ladd
 Mr. Nichols
 Mr. Rosen
 Mr. Tracy
 Mr. Harbo
 Mr. Mohr
 Mr. Winterrowd
 Tele. Room
 Mr. Holloman
 Miss Gandy

March 9, 1959

H&H. Hoxie
 H.L. 7/6/59

Dear Edgar:

Thank you ever so much for your gracious letter of March 4th with regard to the Report of our Committee which was presented to the House of Delegates of the American Bar Association. Words are truly inadequate to describe my deep gratitude for your warm expressions of commendation. The knowledge that we enjoy your valued support affords a great inner satisfaction and is most gratifying indeed. I trust that our efforts in this vital field will continue to merit your endorsement.

With every assurance of my esteem and affectionate regard,

Yours sincerely,

Peter Campbell Brown

Honorable John Edgar Hoover
 The Director
 Federal Bureau of Investigation
 Washington, D. C.

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 3-18-59
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EX-135

REC-9

94-1-369-1157

24 MAR 17 1959

57 MAR 23 1959

CRIME

UNRECORDED COPY FILED IN

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: March 17, 1959

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages A2345- Senator Dirksen, (R) Illinois, requested to have printed in the
A2348 Record an article which appeared in the March issue of the
American Bar Association Journal written by the Honorable
Charles H. Davis, associate justice of the Illinois Supreme Court
on the subject "Constitutional Law: The States and the Supreme
Court." Justice Davis stated "However, while the activities of
the Federal and State Judiciary are correlated in certain respects,
it is wholesome for our States and the Nation that each branch of
the judiciary zealously guard its own prerogatives and areas of
activity, and stand ever ready to be critical when there is an
apparent invasion of the judicial domain of the other. In all
branches of Government, eternal vigilance is the price of freedom
from encroachment; and freedom of expression, even though
critical in nature, is a requisite to vigilance. Courts generally
have been guilty of errors, occasionally have sought to wield more
power than was proper and, as all other human institutions, are
fallible. - - - There is no other agency to replace them. Strip
them of their power and you have discord and confusion; unrestrained
power within the legislative and executive branches of the Govern-
ment; statutes and laws without observance; court orders and
decrees without obedience; and ultimately Government by men and
not by law."

2

ORIGINAL COPY FILED IN
66-1731-1623

EX-135

REC-95

104-1-369-1158
NOT RECORDED
141 APR 2 1959

52 APR 6 1959

In the original of a memorandum captioned and dated as above, the Congressional Record for March 15, 1959 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

ENCLOSURE

ENCLOSURE

94-1-369-1159

AMERICAN BAR ASSOCIATION



RESOLUTIONS

and

REPORT

of the

Special Committee on

COMMUNIST TACTICS,

STRATEGY

and

OBJECTIVES

February, 1959

94-1-369-1159

March 23, 1950

"THE NATION" MAGAZINE

[illegible]

The article states that while there is no indication that in evaluating a candidate the committee considers anything except his professional qualifications, these may be difficult to define, especially in the case of Supreme Court justices wherein social vision is at least as important as legal competence. Liberals in the legal profession at one time were inclined to act through the National Lawyers Guild but this latter organization has lost its strength and appeal to many. While liberals could be enthusiastic at one time about the ABA's Committee on the Bill of Rights, this committee allegedly failed to carry out its responsibilities.

194-1-249-

None. For information. 102 APR 19 1959

APR 7 1959

Mr. DeLoach 1 - Mr. Hoxie

Mr. Edwards

NOT RECORDED



American Bar Center

AMERICAN BAR ASSOCIATION

1155 EAST SIXTIETH STREET CHICAGO 37 • ILLINOIS

ROSS L. MALONE
President

SYLVESTER C. SMITH, JR.
Chairman of House of Delegates

HAROLD H. BREDELL
Treasurer

JOSEPH D. CALHOUN
Secretary

JOSEPH D. STECHER
Executive Director

Telephone HYde Park 3-0600

Mr. Tolson	
Mr. Belmont	
Mr. Mohr	
Mr. Parsons	
Mr. Rosen	
Mr. Tamm	
Mr. Trotter	
Mr. W. Sullivan	
Tele. Room	
Mr. Holloman	
Miss Gandy	

Honorable J. Edgar Hoover
Director, Federal Bureau of Investigation
Department of Justice
Washington, D. C.

Dear Mr. Director:

I enclose herewith a pamphlet containing resolutions adopted by the House of Delegates of the American Bar Association on February 24, 1959, on the recommendation of the Association's Special Committee on Communist Tactics, Strategy and Objectives. The pamphlet also contains the transmittal statement by the Board of Governors and the report by the committee which accompanied its recommendations.

Sincerely yours,

Joseph D. Calhoun
Joseph D. Calhoun
Secretary

EX-100
MAR 19 1959
Handwritten signatures and initials

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3-24-59
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JDC/ab
Enclosure

REC-93

94-1-367-1159

11 APR 3 1959

ENCL. ATTACHED
ENCLOSURE
Handwritten initials

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REC-93

94-1-367-1159

March 24, 1959

Mr. Joseph D. Calhoun
Secretary
American Bar Association
1155 East Sixtieth Street
Chicago 37, Illinois

Dear Mr. Calhoun:

I received your letter on March 19, 1959, enclosing a copy of the Resolutions and Report of the Special Committee on Communist Tactics, Strategy and Objectives, and it was most thoughtful of you to think of me in this regard.

My associates and I deeply appreciate the generous remarks concerning the FBI and "Masters of Deceit" in this report and hope that we shall continue to merit your support. Again I want to thank you for sending me this copy.

Sincerely yours,

MAILED 9
MAR 25 1959
COMM-FBI

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NOTE: Bufiles reflect nothing derogatory concerning Calhoun and no record of prior correspondence. Although the report goes into the subject of the "smear campaign," it is believed that no mention should be made in this regard.

- Tolson
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- McGuire
- Mohr
- Parsons
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- Tamm
- Trotter
- W.C. Sullivan
- Tele. Room
- Holloman
- Gandy

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Mr. Harrington

[Handwritten signatures and initials]

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: March 25, 1959

FROM : C. D. DeLoach

SUBJECT: AMERICAN BAR ASSOCIATION
CRIMINAL LAW SECTION
MEMBERSHIP COMMITTEE

Tolson
Belmont
DeLoach
McGuire
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

H. L. Edwards has been working closely with Brigadier General Charles L. Decker (Office of the Judge Advocate General) who is Assistant Secretary of the Criminal Law Section of the American Bar Association. General Decker asked Edwards 3/24/59 if it would be possible to have Edwards recommend a suitable member of the American Bar Association to assist Lieutenant Colonel Kenneth J. Hodson on the Membership Committee of the Criminal Law Section. Hodson is a member of General Decker's staff, known to Edwards. The Membership Committee, as a result of action taken at the Criminal Law Section Council Meeting at Chicago, is endeavoring to intensify its recruitment of ABA members to the Criminal Law Section. Membership now numbers approximately 900, and the Council feels that it should be possible to stimulate much greater interest in the Criminal Law Section and make the Section more important. One of the plans is to circulate on a quarterly basis a brief newsletter which will contain interesting tidbits on criminal law matters such as pending legislation, unusual or important court decisions, etc. Colonel Hodson is preparing a proposed draft of the first newsletter for presentation at the annual meeting of the Bar Association at Miami in August.

General Decker stated the problem is that Hodson is so swamped with work that he needs some assistance, and General Decker thought this would be an excellent way for an additional member of the Bureau to become active in the Criminal Law Section. It would be quite logical for anyone working closely with him to continue as Chairman of the Committee. Edwards thinks this is an excellent idea and it would provide additionally a means whereby the Bureau can exercise some voice in the type of material selected for circulation. This is a "natural" for the Bureau because we currently receive important criminal information from all parts of the country through the "Crimdel" and related programs. The Crime Research Section also has much information which would be of interest in such matters as current efforts to abolish capital punishment throughout the country, the juvenile delinquency problem, etc.

Edwards feels an ideal selection for this committee would be Special Agent Herbert E. Hoxie of the Crime Research Section. Hoxie has been

(Continued next page)

1 - Mr. Jones

SEE ADDENDUM PAGE 2, (dated 4-3-59)

HL:eg
(3) 62 APR 15 1959
* Current Developments in Criminal Matters

CRIME RESEARCH
PERS. FILES

DeLoach to Tolson memo

approved by the Director to accompany Edwards to the Miami meeting in Miami. Not only is he a member of the American Bar Association and the Criminal Law Section, but he also is experienced and talented in the crime research and publications work of the Crime Records Division. Edwards feels this would definitely be to the Bureau's advantage to have Hoxie worked into this committee.

RECOMMENDATION:

That approval be given for Edwards to arrange with General Decker for Agent Supervisor Hoxie to assist on the Membership Committee. This will, of course, be through Edwards guidance and supervision at the Bureau.

✓
OK.
H.

ADDENDUM: 4-3-59: HLE:ejp: On 3-30-59 Edwards advised General Decker of the Director's approval for Hoxie's participation as indicated above. General Decker was very appreciative. At the General's earliest convenience, Edwards will arrange for a meeting with Decker, Hodson and Hoxie in order to acquaint Hoxie and get him started on this matter.

DDW

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages A3350- Congressman Doyle (D) California, extended his remarks to include
A3353 an article by Ross L. Malone, president of the American Bar Association, which appeared in the American Bar Association Journal for April 1959, entitled "The Communist Resolutions: What The House of Delegates Really Did."

REC-68

94-1-369- 1161
NOT RECORDED
126 MAY 7 1959

EX - 133

Original filed in:

66-1731-1636

In the original of a memorandum captioned and dated as above, the Congressional Record for THURS. 4-23-59 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

53 MAY 11 1959

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR

DATE: May 4, 1959

FROM : CLYDE TOLSON

SUBJECT:

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Mr. L. B. Nichols called stating that the Special Committee of which he is a member, which made a report to the House of Delegates on the American Bar Association in Chicago, is meeting next Monday and Tuesday to consider tactics to be followed in August at the ABA Convention in Miami. He stated it was his feeling that the committee should prepare another statement to the House of Delegates rephrasing their previous report and thereby put the House of Delegates on the offensive as he thought certain left wing elements would try to get the special report in the August convention.

He wondered if we had any ideas as to what might be included in such a report. I told him I felt sure we would not have any since the matter had been pretty thoroughly covered by the committee in its report at Chicago.

He then indicated that Deputy Attorney General Walsh had failed to carry the ball in his testimony last week, in that he did not support some of the committee recommendations. He referred particularly to the previous position of the administration with respect to the phrase "advocacy" in connection with the Communist Party and the inclusion of non-sensitive jobs in the security program. He stated that Walsh's testimony was fully covered in the New York Times on May first.

I told Mr. Nichols that I did not think we would have any ideas of help to him but if we did we could get in touch with him this week.

cc Mr. DeLoach
 Mr. Belmont

CT:DSS

FBI
 53 MAY 12 1959

REC 69

EX-113

94-1-369-1162

11 MAY 1959

CRIME REC

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 5-6-59

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 6747-6750, Congressman ^{DALE} ~~Alford~~, (D) ^{DC} ~~Arkansas~~, spoke concerning the Supreme Court. He stated "the greatest emergency which confronts our country today is not the Soviet or Red China or the Berlin crisis or inflation; it is the destruction of the Constitution of the United States of America by the oath-breaking usurpers who are now members of the Supreme Court." He makes reference to the recommendations by a committee of the American Bar Association that Congress pass legislation "which would in effect, wipe out the long string of pro-Communist decisions of the Warren Supreme Court." Mr. Alford went on to state "The Bar Association committee demanded legislation to keep the FBI files confidential.-----" *lee*

REC-81

194-1-369-1163
NOT RECORDED
126 MAY 21 1959

Original filed in:
66-1731-1646

EX - 133

1169
In the original of a memorandum captioned and dated as above, the Congressional Record for *TUESDAY, 5/5/59* was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

6 MAY 22 1959

**JAMES P. ECONOMOS
SECRETARY OF THE TRAFFIC AND MAGISTRATE
COURTS COMMITTEE OF THE CRIMINAL
LAW SECTION
AMERICAN BAR ASSOCIATION**

BACKGROUND:

The Martindale-Hubbell Law Directory, 1959 edition, reflects that James P. Economos was born in 1908. He received B.S. and LL.B. degrees from the University of Illinois. He was admitted to the Bar in 1931. He is presently a partner in the law firm of Economos, Reeda, and Alexander, Chicago, Illinois. The Directory reflects that the estimate of his legal ability is "very high" and the recommendation concerning him is "very high."

INFORMATION IN BUFILES:

Bureau files reflect that in February, 1948, the Honorable A. P. Murrah, Judge, U.S. Circuit Court of Appeals, Oklahoma City, visited the Bureau and conferred with Bureau officials concerning proposed Bureau participation in Traffic Court Conference. The Oklahoma City Office had advised that Judge Murrah was Chairman of the Judicial Procedure Committee of the American Bar Association and as such had under his jurisdiction the annual Traffic Court Conference held by the American Bar Association with Northwestern University Traffic Institute. Judge Murrah wondered whether the FBI would be interested in this program. Accompanying Judge Murrah was Mr. Economos. Economos' position at that time was Director of the Traffic Court Program of the American Bar Association at a salary of \$7,000 per year. Economos was reported to be among the leaders in the traffic safety field but was said to be of little competence and of the promoter type. Judge Murrah was advised in March, 1948, that the Program was one in which the Bureau did not normally participate. (94-39315-5)

In November, 1945, Economos, as Secretary, Traffic Court Committee, American Bar Association, forwarded to the Bureau a pamphlet entitled "The Traffic Court Program."

(94-1-369-633)

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Gandy _____

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ENCLOSURE

94-1-369-1164. *Reck*

In February, 1952, Economos wrote to the Director and enclosed a copy of a "Uniform Traffic Ticket and Complaint." He requested Bureau comments and suggestions with reference to the promotion and usefulness of the ticket and complaint. (94-1-369-762)

In May, 1953, Economos requested that the Committee on the Traffic Court Program of the American Bar Association be placed on the mailing list for Uniform Crime Reports. At a meeting of the International Association of Chiefs of Police in October, 1957, Economos submitted a report on "State Reporting of Convictions." He proposed that the "Uniform Traffic Summons and Complaint" be used in a more widespread manner. (33-1-15-803; 94-1-152-8042)

RWK:sic
(10)

12
[redacted] CHAIRMAN
PROSECUTION, PROCEDURE AND TACTICS COMMITTEE
CRIMINAL LAW SECTION
ASSISTANT U. S. ATTORNEY
WASHINGTON, D. C.

BIOGRAPHICAL DATA:

[redacted] was born [redacted] West Virginia. He received the A. B. degree from Marshall College, Huntington, West Virginia, in 1943. In September, 1949, he received the LL. B. degree from the University of Michigan, ranking 319 in a class of 322.

DATA IN BUFILES:

b6
b7C

On September 15, 1949, [redacted] was interviewed at the Bureau as a Special Agent applicant but was recommended unfavorably because his personal appearance and approach were only fair and he did not appear to be resourceful, to have executive ability, or to be likely to develop. (67-8200-C-34493) In May, 1951, a name check was done re [redacted] in view of his employment to prepare daily digests for the Subversive Activity Control Board. (62-60527-24684)

In August, 1951, [redacted] was investigated for the position of Assistant U. S. Attorney in Washington, D. C. The results of this investigation were generally favorable and there was no question concerning his loyalty. One acquaintance stated that [redacted] made improper advances to her daughter. Upon interview of her daughter, she stated that the so-called improper advances merely amounted to an attempt on the part of [redacted] to kiss her against her wishes. She had thoughtlessly mentioned the incident to her parents who became unnecessarily upset. (77-51010)

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MAIL ROOM ☐ TELETYPE UNIT ☐

ENCLOSURE

94-1-369-1164

ARTHUR J. FREUND

BIOGRAPHICAL DATA:

Arthur J. Freund was born in St. Louis, Missouri, April 17, 1891. He received his A.B. degree from Washington University in 1914 and the LL.B. degree in 1916. He was admitted to the Missouri Bar the same year. He has practiced law in St. Louis since 1916. He was Secretary General of the Counsel of the Jewish Federation in St. Louis, 1940-1950; was Special Assistant to the Attorney General of Missouri, 1920-1924; was a member of the Board of Police Commissioners of St. Louis, 1925-1929. He is connected with many other civic organizations. He was the recipient of the St. Louis award for extraordinary public service in 1937. He is a member of the St. Louis and American Bar Associations and in the American Bar Association has been Chairman of the Criminal Law Section and a member of the House of Delegates. He is a member of numerous other bar associations. In 1951, he was a member of the Special Committee to Investigate Organized Crime in Interstate Commerce.

INFORMATION IN BUFILES:

Freund has been a rather consistent and antagonistic correspondent with the Bureau since 1932, especially in connection with American Bar Association matters. He submitted suggestions concerning the Lindbergh kidnaping investigation, stated that bills introduced in the Senate in 1934 giving the FBI more power incorporated some of his suggestions, and he has inferred the Bureau's flair for publicity was too great. He made a tour of the Bureau in 1934.

In 1934, he advocated establishment of a Federal criminal Identification Bureau in each circuit of the Circuit Court of Appeals. Bureau letter to Freund explained in detail fallacies of program. Freund's reply indicated he paid little heed to Bureau's observations, and the Director noted, "There is no story writing this man as he just blithely ignores practical matters and deals with Utopian theories."

In December, 1946, Freund requested the Director be an active member of the Criminal Law Section of the ABA. This request was declined due to pressure of work. (62-32517-70)

In December, 1947, Freund suggested to [redacted] Equitable Life Insurance Company, that [redacted] of New York make an analysis of the radio program, "This Is Your FBI." In this regard, the Director noted, "It is obvious Freund is adept at half-truths and innuendos or else he is trying to promote [redacted] for another job." (62-86813)

ENCLOSURE 94-1-367-1164

Freund was in 1949 Chairman of the American Bar Association's Committee on Motion Pictures, Radio and Comics in Relation to the Administration of Justice, who publicly characterized certain radio programs, including "This Is Your FBI," dealing with crime as offensive. He indicated they should be withdrawn from the air. Mr. Nichols made a vigorous defense of the program. The subcommittee report on police training and administration of the Criminal Law Section submitted in September, 1949, made no reference to the FBI. Mr. Nichols and Mr. Tracy conferred with Freund in St. Louis on September 9, 1949, concerning the FBI National Academy, FBI leadership in police training and the radio program, "This Is Your FBI." Freund is a cantankerous and contentious individual, and that he has directed letters to the Attorney General concerning "This Is Your FBI." (94-33003; 94-1-369-660)

The Director, after reading an account of the St. Louis incident above, noted "... Freund acts and talks like a shyster. We will have to be constantly alert to his unethical methods." (94-41497-2)

In January, 1951, Freund indicated he was considering presenting to the Mid-Winter Meeting of the American Bar Association in Chicago a recommendation that a permanent Commission on Organized Crime be constituted as a governmental agency with powers of subpoena. Mr. Tracy's letter of 2-1-52 to Freund expressed opposition to this idea. (94-41497-4)

In September, 1954, during the American Bar convention in Chicago, Walter Armstrong, then Chairman of the Criminal Law Section, was most insistent that former Assistant Director Stanley Tracy remain as Assistant Secretary of that Section for one more year. He confidentially advised Tracy that he was trying to eliminate Arthur Freund, former Chairman of the Section, from the picture. Tracy noted that he had frequently taken strong opposition to Freund's views and was about the only one in the Section who opposed him.

In April, 1955, former Assistant Director Harbo, who took over this liaison work from Mr. Tracy, attended the American Bar Association Regional Meeting in Phoenix, Arizona. On April 16, 1955, he attended a meeting of the Criminal Law Section at which Freund presided. In introducing Mr. Harbo, Freund made highly complimentary references to the FBI and the Director.

We have had no particular problems with Freund during the last few years. We do, of course, handle him in a most circumspect manner.

BRIGADIER GENERAL CHARLES L. DECKER
ASSISTANT JUDGE ADVOCATE GENERAL
UNITED STATES ARMY
ASSISTANT SECRETARY
CRIMINAL LAW SECTION
AMERICAN BAR ASSOCIATION (ABA)

Summary

BACKGROUND:

The 1959 edition of the Martindale-Hubbell Law Directory reflects that Charles L. Decker was born in 1906. He received a bachelor of science degree from the United States Military Academy and bachelor of laws degree from Georgetown University. He was admitted to the Bar in Kansas in 1942. *NYC*

INFORMATION IN BUFILES:

Bufiles reflect that in 1942 the Washington Field Office requested permission to contact Major Charles L. Decker. [redacted] for the purpose of determining if [redacted] could be developed as a Confidential National Defense Informant. (65-30150-456X)

Conf

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b7D

In 1956, a memo from Mr. Nichols to Mr. Tolson reflected that the Army Judge Advocate General's office was very interested in the planned London meeting of the ABA in 1957. Decker was on a committee with Mr. Mohr and Mr. Nichols for planning the scope and program of the ABA meetings in London. (63-383102)

In April, 1957, a request was received from the Department of the Army for any derogatory information concerning Decker which might in the future come to the knowledge of the Bureau, inasmuch, as Decker was assigned to a sensitive position. (64-32001-1-609)

In May, 1958, a memo from Mr. Mohr to Mr. Tolson advised that if Mr. Nichols resigns from his position as Secretary of the Criminal Law Section of the ABA, Decker will take over that position. Mr. Mohr recommended that the Bureau seriously consider supplying a candidate for the position of Assistant Secretary of the Criminal Law Section. (94-1-369-1062)

Tolson _____
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DeLoach _____
McGuire _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
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Holloman _____
Gandy _____

MAIL ROOM ☐ TELETYPE UNIT ☐

ENCLOSURE

94-1-369-1164

Rush

In September, 1958, a memo from Mr. Mohr to Mr. Tolson reflects that Decker presided at a meeting of the Criminal Law Section of the ABA which discussed "Justice - For Whom?" at the ABA meeting on August 26, 1958, in Los Angeles. (94-1-369-1115)

JAMES V. BENNETT
DIRECTOR, BUREAU OF PRISONS
VICE CHAIRMAN, CRIMINAL LAW SECTION

DATA IN BUFILES:

Attached is a copy of a summary dated 9-3-52 re Bennett. Bufiles contain numerous references to Bennett, and he has been active in the Criminal Law Section of the ABA.

While surface relations with Bennett appear satisfactory, a review of the attached summary and information in his main file subsequent to the summary reflects the Bureau has every good reason to deal circumspectly with Bennett. Bennett has advocated a sob sister approach to penology and has acted on numerous occasions outside the scope of his jurisdiction. In January, 1953, information came to the Bureau's attention that Bennett made a very strong plea for Julius and Ethel Rosenberg, the convicted Russian spies. Serious allegations came to the Bureau's attention in January, 1954, that Bennett took steps to gain control of the U. S. Board of Parole. Bennett has advocated changing the statute concerning Interstate Transportation of Stolen Motor Vehicles, and has complained about the large number of prisoners incarcerated for violations of this law. He also complained concerning the press release issued by the Department following the murder of William Remington. In March, 1953, Bennett was apparently in a controversy with the Bureau of Narcotics. He had complained that the Federal prison system was being overloaded with narcotics violators, and he advocated further use of treatment and probation in these cases.

62-47469

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Gandy _____

Enclosure

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ENCLOSURE

94-1-357-1164

**RUFUS KING
CHAIRMAN
CRIMINAL LAW SECTION**

Summary

BIOGRAPHICAL

According to the current edition of the Martindale-Hubbell Law Directory, Rufus King was born March 25, 1917, in Seattle, Washington. He attended the University of Washington and received an A.B. degree from Princeton University in 1938. He attended the Stanford University Law School and the Yale University Law School receiving his LL.B. degree in 1943 from the latter school. King was admitted to the New York Bar in 1944; District of Columbia, 1949; United States Supreme Court, 1952; Maryland Bar, 1954. King has been the author of legal articles, for the most part in the field of criminal law, for various law journals and legal publications. He was legislative counsel for the Senate Committee on Organized Crime in 1951, special counsel for the Senate District of Columbia Committee in 1952; special counsel for the Senate Interstate and Foreign Commerce Committee from 1952 to 1953; special counsel for the House Judicial Committee in 1953. King is a member of the Bar Association of the District of Columbia; the Association of the Bar of the City of New York; American Bar Association (secretary, 1953-57 and chairman, 1957-58, Criminal Law Section; chairman, Criminal Law Section Committee on Narcotics and Alcohol, 1954-57; chairman, Joint American Medical Association--American Bar Committee on narcotic drugs, 1956-58); the American Law Institute; the American Judicature Society. King is presently a member of the firm of Rice and King, Southern Building, Washington, D. C. His partner, Downey Rice, is a former Special Agent of this Bureau, from 1936 to 1945.

INFORMATION IN BUFILES

No investigation has been conducted by this Bureau concerning Rufus King. We have had limited cordial correspondence from him over the past several years, in connection with ABA activities, more particularly with relation to the Criminal Law Section of which King is chairman. In connection with these activities he has also met various Bureau officials including former assistant to the Director Nichols.

The August, 1953, issue of "Focus" magazine carried an article entitled "The Man Who'll Replace J. Edgar Hoover." This was an article which primarily referred to a successor to the Director. The article indicated that the Nation's best guess as to a successor for the Director was former assistant to the Director Nichols. This guess allegedly came from a Kefauver Committee Counsel who had not given "Focus" permission to print his name. It was subsequently determined that the article was written by Alden B. Stevens and Marian Stevens.

ENCLOSURE 94-1-319-1164

King is believed to be the individual who gave Mr. Nichols' name to the Stevens' as the Director's successor. At this time information was received that King was a liberal but not a radical. He had at one time been a member of the Washington Book Shop but did not know of its subversive nature. At the time King got out of law school he was a law clerk for one of the Hands in New York. The source felt that King's action was a matter of bad judgment rather than anything malicious. In an October 14, 1955, memorandum from Mr. Nichols to Mr. Tolson, Mr. Nichols indicated that subsequent to the article the Director had conversed with King, and in line with the Director's instructions Mr. Nichols indicated that he had tried to forget the whole incident; however, the Director did not recall having any conversation with King.

In 1955 Congressman Kenneth B. Keating desired to have the Director as a guest on his TV program. It was determined that Rufus King had some connection with the program and the Director commented "I do not desire to go through with this matter. Indicate my unavailability. I did not know of King's connection with it."

With regard to an indication of Mr. King's views on the subject of juvenile delinquency, he contacted the Bureau on October 22, 1953, to receive material on juvenile delinquency. At that time he stated he thought some people were going hog wild on the juvenile delinquency situation and expressed the belief that the matter should not be ballooned out of all proportions. He was in favor of a rather conservative approach.

In a May 2, 1958, memorandum from Mr. Mohr to Mr. Tolson concerning the Criminal Law Section of the ABA, the name of Rufus King and several other individuals associated with this section were mentioned. The Director noted that King and several of the others mentioned in the memorandum were certainly "dubious" friends of the FBI.

4

PETER CAMPBELL ~~BROWN~~
CHAIRMAN
COMMITTEE ON COMMUNIST TACTICS, STRATEGY AND OBJECTIVES

ENCLOSURE

94-1-1164

GEORGE EDWARDS
JUSTICE
MICHIGAN STATE SUPREME COURT

Attached are copies of a summary regarding Edwards,
correspondence with him and SAC Letter 58-53.

ENCLOSURE

947-369-1164

Mr. DeLoach

February 19, 1959

M. A. Jones

SEE REVERSE SIDE FOR
ADD. DISSEMINATION.

**CRIMINAL LAW SECTION MEETING
AMERICAN BAR ASSOCIATION
CHICAGO, ILLINOIS**

In connection with Mr. Edwards' attendance at the coming Criminal Law Section meeting, he has requested summaries on the following individuals: George Edwards, Michigan State Supreme Court Justice who criticized the Director last August; Peter Campbell Brown, Chairman, Committee on Communist Tactics, Strategy and Objectives; Rufus King, Chairman, Criminal Law Section; James V. Bennett, Vice Chairman; General Charles L. Decker, Assistant Secretary; Arthur J. Freund, Criminal Law Section delegate to the House of Delegates; [redacted] Chairman, Committee on Prosecution, Procedure and Tactics and James P. Economos, Secretary of the Committee on Traffic and Magistrate Courts.

Attached are summaries containing salient facts re these individuals. Bufiles contain numerous references to Bennett, King and Freund in particular. The data concerning them has been obtained in the large from main files. Regarding George Edwards, [redacted] give Inspector Edwards a more thorough background, copies of a September, 1958, summary and correspondence with him were made and also attached is a copy of SAC Letter 58-53 with enclosures which concerns the controversy with the Advisory Council of Judges, National Probation and Parole Association.

RECOMMENDATION:

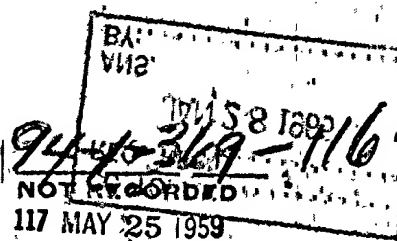
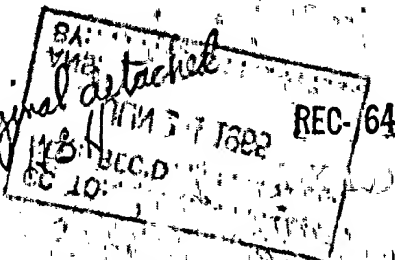
None. For information.

Tolson _____
Belmont _____
DeLoach _____
McGuire _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

Mr. Edwards
Mr. Dalbey

HEH:slc
(10)

MAIL ROOM ☐ TELETYPE UNIT ☐



Just memo -

File yellow in
ABA file 94-1-369
HGA

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach *✓*

DATE: May 19, 1959

FROM : M. *A. Jones*SUBJECT: MEMBERS AMERICAN BAR ASSOCIATION.
SPECIAL TOUR POSSIBLY 10:00 A. M.
MAY 20, 1959

Tolson	_____
Belmont	_____
DeLoach	_____
McGuire	_____
Mohr	_____
Parsons	_____
Rosen	_____
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Tele. Room	_____
Holloman	_____
Gandy	_____

BACKGROUND:

The SAC, Chicago advised of a meeting of the American Bar Association (ABA) Board of Governors in Washington 5/17-19/59. He furnished a list of members and suggested that the Bureau contact Mr. Joseph D. Stecher, Executive Director of the ABA, to invite them for a tour. The SAC also advised that SA Daniel F. Bledsoe, liaison contact with the ABA in Chicago, had invited [redacted] Comptroller of the ABA, [redacted] secretary, [redacted] and ABA Director of Activities, [redacted] to go on a tour tentatively set for 10:00 a.m., Wednesday, 5-20-59. This group would likely be free at that time. If this was not agreeable with the Bureau, the SAC suggested contact with them to arrange a different time.

DEVELOPMENTS:

SA Hoxie contacted Mr. Stecher on Monday, 5-18-59 and invited members of the Board of Governors in the ABA delegation to tour the Bureau. Mr. Stecher stated the members of the Board had an appointment with the President for 11:30 a.m., Wednesday, 5-20-59, and he doubted if any would be able to visit the Bureau. Stecher's schedule is indefinite but he hopes he can make it over. He was told to contact SA Hoxie if he can and we would arrange for a special tour. He does not know whether [redacted] and the others will be able to make it or not. It was suggested they also contact SA Hoxie if they can.

- 1 - Mr. Holloman
- 1 - Mr. DeLoach
- 1 - Mr. Edwards
- 1 - Tour Room

HEH:sfc
(11)

EX 109

REC-39

14 MAY 22 1959

179 MAY 28 1959

CRIME RECORDS

Jones to DeLoach Memo
May 19, 1959

Joseph D.

As it now stands members of the Board of Governors will not likely tour the Bureau. Stecher and the others will possibly make it at 10:00 a.m., 5-20-59, if they can. Bufiles reflect no record of [redacted] and [redacted] and no derogatory information regarding Stecher. Stecher was born 2-22-04 at Upper Sandusky, Ohio, and received the J.D. degree from Ohio State University in 1928. He has been employed by the ABA in various capacities since 1937. He is listed in "Who's Who" and is a member of numerous organizations. There has been considerable cordial correspondence with [redacted] and he has been helpful in distributing information regarding the Special Agent position among law students.

D.C.

b6
b7C

RECOMMENDATIONS:

(1) That if any members of the ABA delegation call for a tour, this be handled by a Special Agent.

*Tour conducted
by SA [redacted] 5-20-59.*

D

OK K

(2) That members of the party be taken to meet Inspector H. L. Edwards; the Bureau's liaison representative with the ABA.

*Done the group
consisted of [redacted]
[redacted]*

V

*OK
2*

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Federal Bureau of Investigation
Records Branch5/18, 1959

☐ Name Check Unit - Room 6523
☐ Service Unit - Room 6524
☐ Forward to File Review
☐ Attention _____
☒ Return to Hoxie 5348
 Supervisor Room Ext.

Type of References Requested:

☐ Regular Request (Analytical Search)
☒ All References (Subversive & Nonsubversive)
☐ Subversive References Only
☐ Nonsubversive References Only
☐ Main _____ References Only

Type of Search Requested:

☐ Restricted to Locality of _____
☐ Exact Name Only (On the Nose)
☐ Buildup ☐ Variations
☐ Check for Alphabetical Loyalty Form

Subject

Birthdate & Place _____

Address _____

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Date 5/18Searcher
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no more, buildup & build upOne & two not searched

Federal Bureau of Investigation
Records Branch

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 Birthdate & Place _____
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Localities _____

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25-195216

H.

54-698-11, p. 16

No variations on
 surname searched.

28

Written

Federal Bureau of Investigation
Records Branch

, 1959

☐ Name Check Unit - Room 6523
☐ Service Unit - Room 6524
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☒ Return to Hoxie 5348
 Supervisor Room Ext.

Type of References Requested:

☐ Regular Request (Analytical Search)
☒ All References (Subversive & Nonsubversive)
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☒ Main 6 References Only

Type of Search Requested:

☐ Restricted to Locality of _____
☐ Exact Name Only (On the Nose)
☐ Buildup ☐ Variations
☐ Check for Alphabetical Loyalty Form

Subject Joseph D. StecherBirthdate & Place 2/22/04 Ohio

Address _____

Localities _____

R# _____

Date 5/19/59Searcher Initials HLK

FILE NUMBER

SERIAL

~~62-60527-45449, Sum. 11/55~~
~~94-1-369-995, Sum. 5/8/56~~
~~995~~
~~94-1-369-A-77.9. Donald~~
~~Vibron 7/10/57~~
~~Joseph Day~~
~~94-1-369-805, Sum. 10/52~~
~~94, Sum. 3/8/56~~
~~Joseph~~
~~NT 62-6015~~
~~NT 62-75147-34-247~~
~~Joe~~
~~94~~
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 Written

Federal Bureau of Investigation
Records Branch

, 1959

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	Supervisor Room Ext.

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<input checked="" type="checkbox"/>	All References (Subversive & Nonsubversive)
<input type="checkbox"/>	Subversive References Only
<input type="checkbox"/>	Nonsubversive References Only
<input type="checkbox"/>	Main _____ References Only

Type of Search Requested:

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<input type="checkbox"/>	Exact Name Only (On the Nose)
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Subject _____ b6
 Birthdate & Place _____ b7C
 Address _____

Localities _____

R# _____ Date 5/12/59 Searcher Initials [Signature]
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<u>I</u>	<u>94-45399-8</u>
	<u>61</u>
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	<u>3</u>
<u>I</u>	<u>94-1-369-832</u>
	<u>906</u>
	<u>907</u>
	<u>94-45448-7</u>
	<u>Buildup</u>
	<u>James</u>
	<u>905-13100</u>
	<u>121-13149-2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12</u>
	<u>5-0-277</u>
	<u>5-2-7547-32-9, 8, 81</u>
	<u>1-1-4-4-94-3-24-466</u>
	<u>1-1-4-4-8830-5, 8, 9, 10, 11, 12</u>
	<u>9-M</u>
	<u>100-170681-4</u>

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: May 14, 1959

FROM : SAC, CHICAGO (80-355)

ATTENTION: ASSISTANT DIRECTOR
CARTHA D. DE LOACHSUBJECT: AMERICAN BAR ASSOCIATION
MEETING, WASHINGTON, D. C.
5/17-19/59
INFORMATION CONCERNING

The Board of Governors of the American Bar Association are meeting in Washington as reflected above.

D.C. Arrangements have been made with JOSEPH D. STECHER, Executive Director of the ABA, advising him that he and his colleagues would be most welcome to have a tour of our facilities at SOG at their convenience. STECHER is appreciative of the offer and has expressed a desire to see the facilities. He notes that the only point precluding such a tour would be a tight schedule of the Board, not only as to meetings, but as to a conference with the President on the morning of May 20, 1959.

It is suggested that the Bureau make contact with Mr. STECHER and his associates in order to check the situation and see whether they desire the tour. They will be staying at the Mayflower Hotel.

Contact was made by Special Agent DANIEL F. BLEDSOE, our liaison contact with the ABA, with [redacted] Comptroller of the ABA, who apparently will not be in on the meeting with the President and is desirous of touring the Bureau Wednesday a.m. May 20, 1959, and would like to take his stenographer, [redacted] with him on the tour. There is a possibility also that ABA Director of Activities [redacted] would also go along.

I instructed SA BLEDSOE to advise them that they should have tentative arrangements to go so as to be at the Bureau at 10 a.m. that morning. Should this not meet with the arrangements of the Bureau, it is suggested that contact be made with [redacted] also at [redacted]

② - Bureau
1 - Chicago
RDA:HFM
(3)

57 MAY 26 1959

REC-39

EX 109

94-1-367-116-6
22
MAY 16 1959

CRIME REC.

DIRECTOR, FBI

the Mayflower Hotel, for a change.

For the convenience of the Bureau, there follows the current membership of the Board of Governors.--

ROSS L. MALONE, President
SYLVESTER C. SMITH, JR., Chairman House of Delegates
JOSEPH D. CALHOUN, Secretary
[REDACTED] Treasurer
CHARLES S. RHYNE, Last Retiring President
TAPPAN GREGORY, Editor-in-Chief, ABA Journal
WILLOUGHBY A. COLBY, First Circuit
WHITNEY NORTH SEYMOUR, Second Circuit
ROBERT K. BELL, Third Circuit
[REDACTED] Fourth Circuit
E. DIXIE BEGGS, Fifth Circuit
[REDACTED] Sixth Circuit
[REDACTED] Seventh Circuit
[REDACTED] Eighth Circuit
WALTER E. CRAIG, Ninth Circuit
FRANKLIN RITER, Tenth Circuit

b6
b7c

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 5-1-59

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 6458-6473, Senator Javits, (R) New York, spoke concerning the American Bar Association (ABA) recommendations concerning the Supreme Court. Mr. Javits commented on proposed legislation to remedy the effect of certain of the Court's decisions. He stated "I wish to emphasize in what I say that I agree that in certain fields some legislation may be necessary. - - - What I am really driving at is that there is, within the context in which the special committee's report was issued, and in which the American Bar Association resolutions were adopted as well as in the series of bills before the Judiciary Committee, grave danger of a climate which is inimical to the future of the Court, by throwing the Court's role in our constitutional life, out of focus, and encouraging those whom I called last year the Court raiders to undertake new assaults against the Court." Mr. Javits discussed several decisions of the Court, such as the Gold, Watkins, Jencks, etc. He stated, in connection with the Jencks case, "It will be recalled that the Jencks case, which was also very heavily criticized, was a case in which a union officer convicted of filing a false Communist affidavit was denied access to an FBI report, notwithstanding the testimony against him of the man who had prepared that report. - - - We have already enacted a statute as a result of the Jencks decision, prescribing procedure

for the production of prior statements of a witness. This procedure, in substantial effect, prescribes the procedure which the Supreme Court indicated in the Jencks decision itself would be constitutional. It seems to me that this is a fair way to proceed, without trying to capture the Court's jurisdiction. At the same time, this procedure is fully protective of the Court's indispensable value to the American people." Mr. Javits requested to have printed in the Record the text of a memorandum he prepared on the specific cases cited in special committee report of the ABA. References to the FBI, contained in the memorandum, have been noted.

REC-25

94-1-369-1166X

NOT RECORDED

126 JUN 1 1959

In the original of a memorandum captioned and dated as above, the Congressional Record for THURS, 4-30-59 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

63 JUN 3 1959 67 JUN 5 1959

ORIGINAL FILED IN 94-1-369-1166X

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 5/22/59

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Page A4173

Senator O'Mahoney, (D) Wyoming, extended his remarks to include a letter to Mr. Ross L. Malone, president, American Bar Association (ABA) from Judge Walter L. Pope, chief judge of the court of appeals for the ninth circuit, concerning the report of the Special Committee on Communist Tactics, Strategy, and Objectives of the ABA. Judge Pope stated "I had thought the bar association had an educational function—a duty to enlighten outsiders, not confuse them. But apart from that, a reading of the report strongly suggests that the confusion was a calculated one—that it was a prime purpose of those who managed this whole affair. ----- I have no knowledge, and of course would not assume, that, as asserted in numerous quarters, the present report was written by Lou Nichols. But it certainly sounds like the work of a nonlawyer—a layman's plea for a bill of no rights."

Original filed in:

66-1731-1664

94-1-367-
NOT RECORDED
167 JUN 18 1959

98
In the original of a memorandum captioned and dated as above, the Congressional Record for 5-18-59 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.



AMERICAN BAR ASSOCIATION

American Bar Center

1155 EAST SIXTIETH STREET CHICAGO 37 • ILLINOIS

ROSS L. MALONE
President

SYLVESTER C. SMITH, JR.
Chairman of House of Delegates

HAROLD H. BREDELL
Treasurer

JOSEPH D. CALHOUN
Secretary

JOSEPH D. STECHER
Executive Director

Telephone HYde Park 3-0533

May 26, 1959

American Bar Association - General

Herbert E. Hoxie, Esq.
Federal Bureau of Investigation
Department of Justice
Washington 25, D. C.

Dear Mr. Hoxie:

My delayed, but nevertheless sincere, appreciation for your courtesies last week in showing us the operation and facilities of the FBI. Your comments were most informative and as a result, I think my understanding of your law enforcement operations is much greater.

I look forward to seeing you and Mr. Edwards in Miami this August.

Sincerely,

Director of Activities

JMS/gp

EC-23 94-1-369-1167

JUN 8 1959

EX-113

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ack 6-2-59
WHS*

*3 autostats
6-2-59
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PERS. FILES

PERS. FILES

June 2, 1959

REC-23

94-1-369 - 1167

EX 11

Director of Activities
American Bar Association
1155 East 60th Street
Chicago 37, Illinois

FLA
D.C.

Dear [redacted]

Your kind letter of May 26, 1959, has been called to my attention by Mr. Hoxie, and it was indeed thoughtful of you to write him.

Your generous comments are most reassuring, and I know Mr. Hoxie considered it a privilege to have the opportunity of showing you our facilities. I am very pleased to know that you enjoyed your visit with us, and both Mr. Edwards and Mr. Hoxie hope to have the pleasure of seeing you in Miami this summer during the convention of the American Bar Association.

Please do not hesitate to drop in and see us whenever you have occasion to be in Washington.

Sincerely yours,

- 1 - H. L. Edwards - Enclosure
- 1 - Personnel file of SA Herbert E. Hoxie - Enclosure

J. Edgar Hoover

NOTE: On 5-20-59 Mr. Hoxie took [redacted] on a special tour of the Bureau at which time he met Inspector H. L. Edwards. Edwards and Hoxie have been designated to attend the ABA convention in Miami in August. We have enjoyed cordial correspondence with [redacted] in the past. Herbert E. Hoxie
EOD 12-11-50, GS-13.

WHS:ncr
(6)

JUN 11 1959 42

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MAILED 30

JUN 2 - 1959

COMM-FBI

Olson
Belmont
DeLoach
Mohr
Parsons
Rosen
Tamm
Trotter
C. Sullivan
Tele. Room
Holmes
Gandy

RECV-READING ROOM
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b7c

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: June 17, 1959

FROM : G. H. Scatterday *W.C. Sullivan*SUBJECT: ALFRED BERMAN
NANETTE DEMBITZ (BERMAN)

"The New York Times," 6/14/59, contained article entitled "High Court Backed By City Bar Survey" indicating Alfred Berman and wife, Nanette Dembitz, had prepared report upholding U. S. Supreme Court decisions over the last four years, which in effect rebuts American Bar Association criticisms of the tribunal. The Director inquired what do we know of Berman and Dembitz. In 1942 Bureau conducted Hatch Act investigation of Berman, who was then employed by the Securities and Exchange Commission (SEC) based on information indicating that his name appeared in the active indices of the Washington Committee for Democratic Action (WCDA) (cited by the Attorney General). Investigation failed to substantiate his affiliation with WCDA and all interviewed recommended him as to loyalty except one person who described him as "liberal" but loyal to the U. S. Government. Berman interviewed and denied any association with WCDA. Berman born Brooklyn, New York, 1908; attended Brown University and University of Paris, France; received law degree from Brooklyn Law School. He began work as an attorney in SEC, 1938, and at time of Bureau investigation was senior attorney at the Public Utilities Division. Bureau files show Berman's name in index of Special Committee on Un-American Activities as member of National Lawyers Guild (NLG) 1940, (cited by Special Committee on Un-American Activities, 1944). Also Berman on mailing list 1941 of "The Socialist" magazine, published by the Socialist Party of U. S.. "Washington Times Herald," 2/2/39, indicates Nanette M. Dembitz, a Phi Beta Kappa graduate of University of Michigan and cousin of Justice Louis D. Brandeis, U. S. Supreme Court, was to be married to Berman on February 11. Dembitz not investigated by Bureau and no indication our files she was employed Justice Department. She received law degree at Columbia University. Files of House Committee on Un-American Activities reveal Dembitz member of NLG (no date shown); criticized procedure in trial of communist leaders in the "Nation" magazine 1949, and also in article in "New Republic"; drafted brief in case of Communist Party vs Subversive Activities Control Board on behalf of American Civil Liberties Union, 1955. Bureau files reveal Dembitz has acted as counsel for New York Civil Liberties Union on various occasions, past several years. (101-2422; 61-626 ser 193X1; 61-7551 ser 157X8; 140-4039 ser 5; 100-38735 ser 1993.)

ACTION:

NOT RECORDED

None. This is for Director's information.

60 JUN 25 1959

WB:rlk (4)

1 - Name Check

1 - Mr. Belmont 1 - Mr. Brown

ORIGINAL FILED IN 94-1-1569

* Dept Justice advises no record of employment on her

Online paid to work on a study of the city of New York

The United States Court

For The District of Columbia, Washington, D.C.

Honorable Chief Justice:

Ever since the hearing of Habeas Corpus Case number 3I-58 on the 2nd of February 1959, we can neither eat nor sleep properly.

Any deformed sawdust-stuffed jackass with its bowels where its brains should be, could have made better use of its judgment than you did in Habeas Corpus Action number 3I-58.

When the United States District Attorney called Dr. Plick-ety-Plack to testify against our client, one of us even warned you that he is an expert screwball. And when the D.A. called Dr. Chew-hard to take the witness stand you were again warned that he too is an expert screwball. If you can't stay awake on the bench in the daytime, why don't you try going to bed at night. And if you have trouble hearing, why not get a hearing aid, or have your ears cleaned out.

Any one-eyed, feeble-minded, bald-headed Turkey Buzzard with enough feathers to cover its sensitive rectum could have sensed immediately that our client was not mentally deranged. You should be in Saint Elizabeths Hospital right now having your head examined instead of our client.

Any Scalley-Wagg Judge with enough feeling in his rectum to know when, where, and how to squeeze it open and shut, could have sensed immediately that the Washington, D.C. Womans Bureau deliberately hung a FALSE REPORT charge on our client's neck to prevent our client from marrying the young woman.

IT SEEMS AS SOON as a Judge in the District of Columbia is appointed to CHIEF, the appointment goes to his head and his brains all settle to his feet.

IF YOU THINK that we are afraid to sign our names to this letter, well we have our law offices in the District of Columbia. We are also members of the District Bar Association, and the American Bar Association.

IF YOU should decide to send for us, please send for every member of the Civil Rights Commission also. We would like for them to witness our signatures.

Court appointed counsel for the United States Appellate Court case number 14,590.

And Court appointed counsel for the District of Columbia Court case number 3I-58.

94-1-369-117D
ENCLOSURE

AMERICAN BAR ASSOCIATION

OFFICE OF THE PRESIDENT
ROSS L. MALONE
AMERICAN BAR CENTER
CHICAGO 37, ILLINOIS
HYDE PARK 3-0533

July 7, 1959

Mr. Tolson
Mr. Belmont
Mr. DeLoach
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. W.C. Sullivan
Tele. Room
Mr. Holloman
Miss Gandy

Honorable J. Edgar Hoover
Director, Federal Bureau of Investigation
Department of Justice
Washington 25, D. C.

Dear Mr. Hoover:

I am enclosing herewith an opened and an unopened copy of communications, obviously identical, sent through the mails in an envelope bearing the return card of the American Bar Association, Washington, D. C., by persons unknown to us.

The communication enclosed in the envelopes is scurrilous in the extreme and is, I am sure, a violation of the Federal statutes with reference to the use of the mails either by reason of its contents or by reason of the false card used on the envelopes.

I would like very much to learn the identity of the persons who forwarded this communication in order that, if they are lawyers, they may be disbarred.

I would appreciate greatly any assistance which you can give me on this, either on an official or a personal basis.

The American Bar Association, of course, will cooperate in any prosecution that may result from the investigation.

With best personal regards, I am,

Sincerely yours,

Ross L. Malone

JUL 14 1959

ENCLOSURE

Enclosures referred to
Post Office Dept. Photostats
of mimeographed letter made for file:
Jaws

James to DeLoach
re: 7/11/59
ask 7/10/59
one

EX-102
JUL 8 1959

W

8
Jaws

REC-66 94-1-367-1170

July 10, 1959

Honorable Ross L. ~~Malone~~, Jr.
President
American Bar Association
American Bar Center
1155 East 60th Street
Chicago 37, Illinois

Dear Mr. Malone:

Your letter dated July 7, 1959, with enclosures, has been received; and after doing some preliminary checking to locate facts which I thought would be of interest to you, I have referred the matter to the Post Office Department.

The two District of Columbia cases referred to at the bottom of the anonymous mimeographed communication involve efforts by [redacted] to win his release from St. Elizabeth's Hospital. This is a Washington hospital which cares for mental patients. In one of these cases, [redacted] was represented by [redacted] a Washington attorney. In the other case [redacted] represented himself.

As a means of possibly determining its origin, the communication was searched against the Anonymous Letter File of the FBI Laboratory. The results, however, were negative. In addition, it was not possible to positively classify the typewriting on the envelopes or on the anonymous communication.

Upon opening the previously unopened envelope which was enclosed in your letter, we found that it contained three copies of the mimeographed communication. There were no latent fingerprints on these.

1 - Mr. Roach

NOTE: See Jones to DeLoach memo dated 7-9-59 captioned "Ross L. Malone, President of American Bar Association, Request for Assistance Regarding Anonymous Letter." GWG:sfc

GWG:sfc (6) SPELLING OF ST. ELIZABETH'S

MAIL ROOM TELETYPE UNIT

Tolson
Belmont
DeLoach
McGuire
Mohr
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holoman
Gandy

b6
b7C

Handwritten initials and signatures: "R", "M", and "DWP".

Honorable Ross L. Malone, Jr.

I do hope this information will be of assistance to you. As previously noted, I have forwarded the copies of the anonymous communication, together with the two envelopes, to the Chief Postal Inspector.

Sincerely yours,

J. Edgar Hoover

AMERICAN BAR ASSOCIATION

OFFICE OF THE PRESIDENT
ROSS L. MALONE
AMERICAN BAR CENTER
CHICAGO 37, ILLINOIS
HYDE PARK 3-0533

July 16, 1959

~~EXP. PROC.~~
JUL 20 1959

The Honorable J. Edgar Hoover
Director, Federal Bureau of Investigation
United States Department of Justice
Washington 25, D. C.

Dear Mr. Hoover:

This will acknowledge receipt of and thank you for your very nice letter of July 10, 1959, addressed to President Malone, who is away from his office on a speaking tour for the American Bar Association. Upon his return the latter part of this month, your letter will be brought to his attention.

I know that President Malone would want me to express his appreciation of your efforts in checking the communication which he forwarded to you.

Sincerely yours,

[Redacted Signature]

Secretary to President Malone

b6
b7C

F199
08 JUL 24 1959

EX-136

REC-61 94-1-369-1147
94-1-369-1171
WLE
no action
JUL 20 1959
CREVE REC.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: 7/13/59

FROM : SAC, Miami

ATTENTION: TRAINING & INSPECTION DIVISION

SUBJECT: CONFERENCE
LAW ENFORCEMENT AND THE LAYMAN
MIAMI BEACH, FLORIDA
AUGUST 24-25, 1959

Re Boston letter 7/8/59 relating to invitation received by Chief of Police CHARLES E. DUNLEAVY, Laconia, New Hampshire, to participate in a section of the meeting of the AMERICAN BAR ASSOCIATION.

You will note that the AMERICAN BAR ASSOCIATION is scheduled to meet at the Americana Hotel, Miami Beach, from August 24 through 28, 1959. The Bureau is fully aware of the plans regarding the meeting at Miami Beach. It will be further noted that the Bureau will have two representatives at the meeting from SOG, Inspector H. LYNN EDWARDS and Supervisor HERBERT E. HOXIE.

Unquestionably, the Bureau would want Boston to maintain close contact with Chief DUNLEAVY as to any developments relating to the Traffic Safety Committee of the AMERICAN BAR ASSOCIATION meeting.

In the event Chief DUNLEAVY desires reservations, it should be pointed out that these will have to be made through American Bar Association headquarters in Chicago since the American Bar Association has taken over the whole hotel during the time of the convention and room assignments are provided from American Bar Association headquarters.

TX removed
② - Bureau
1 - Boston
1 - Miami (66-2585)
LOT: JHK
(4)

REC-99

94-7-369-1172
15 JUL 15 1959

57 JUL 27 1959

AUG 4 1959

TWO

FBI

CRIME REC.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: July 8, 1959

FROM : SAC, Boston

ATTENTION: Training and Inspection
Division

SUBJECT:

CONFERENCE
LAW ENFORCEMENT AND THE LAYMAN
MIAMI BEACH, FLORIDA
AUGUST 24-25, 1959

An invitation has been reportedly received by Police Chief CHARLES E. DUNLEAVY, Laconia, New Hampshire, to participate in a national conference, captioned and scheduled as above. The invitation was reportedly a joint one from the President's Committee for Traffic Safety and the American Bar Association.

Chief DUNLEAVY is a highly cooperative officer who formerly served as President of the New England Chiefs of Police Association. There is no present indication as to whether he plans to attend, and there are no other details relative to the invitation.

The Miami Office is requested to advise the Bureau and Boston with respect to the projected conference.

The Bureau is requested to indicate whether any specific inquiry should be made of Chief DUNLEAVY relative to this matter.

*No reply until Miami
letter is received. 7/13
naw*

TFM:ls
(4)

2-Bureau
1-Miami
1-Boston

*TX
Removed
H&N*

REC-31

EX-124 20 JUL 20 1959

50 JUL 28 1959

AUG 4 1959

EXP. PROC.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (ATT: TRAINING AND
INSPECTION DIVISION)

DATE: July 15, 1959

FROM *J* SAC, BOSTON

SUBJECT: CONFERENCE
LAW ENFORCEMENT AND THE LAYMAN
MIAMI BEACH, FLORIDA
AUGUST 24-25, 1959

Re Boston letter dated July 8, 1959, advising that Chief CHARLES E. DUNLEAVY, Laconia, New Hampshire, had been invited to participate at the above conference.

Additional information informally developed suggests that the above conference is being scheduled to join together the President's Committee for Traffic Safety and the annual meeting of the American Bar Association. This meeting in previous years has reportedly taken place at Washington, D. C.

While the topic as reported "Law Enforcement and the Layman" does not limit itself to traffic matters, there is no present indication as to the program of the meeting. It appears that Chief JOSEPH L. REGAN (NA), Nashua, New Hampshire, has also been invited to the conference.

The above is provided for the information of the Bureau and the Miami Office.

2 - Bureau
1 - Miami
1 - Boston

TFM:ds
(4)

REC- 83

3 JUL 20 1959

EX-136

~~57 JUL 27 1959~~ ¹⁴² ^E AUG 4 1959

g.s. R. 10
H H 10312

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. R. R. ROACH

DATE: July 14, 1959

FROM : MR. P. H. FIELDS

SUBJECT: ROSS L. MALONE aka
PRESIDENT OF AMERICAN BAR ASSOCIATION
REQUEST FOR ASSISTANCE REGARDING
ANONYMOUS LETTER

Tolson	_____
Belmont	_____
DeLoach	_____
McGuire	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
W.C. Sullivan	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

Malone sent two anonymous letters to Director: (1) an opened envelope containing a scurrilous-type mimeographed letter and (2) an unopened letter, which it developed also contained the mimeographed letter. Opened letter addressed to San Francisco Enquirer and other one addressed to Stark County Bar Association at Canton, Ohio. Both envelopes postmarked New York and bore printed return address of American Bar Association, Washington, D. C.

Per recommendation approved in memorandum Mr. Jones to Mr. DeLoach, dated July 9, 1959, Liaison Agent Fields on July 13, 1959, furnished letters and envelopes to Chief Post Office Inspector David H. Stephens. Latter was orally advised that (a) these were sent the Bureau by Ross Malone who feels they constitute "a violation of the Federal Statutes with reference to the use of the mails"; (b) the Director has advised Malone that the letters are being referred to the Post Office Department; (c) the two cases referred to in the anonymous letter involved [redacted] who has been a mental patient at St. Elizabeth's--and in one of the cases [redacted] was represented by [redacted] (d) the two letters have been searched against the Anonymous Letter File with negative results; and (e) an effort was made to locate latent fingerprints on the letters in the envelope addressed to the Stark County Bar Association--previously unopened--with negative results.

Stephens accepted the correspondence and advised he would have appropriate action taken in regard to the matter. No request was made for written confirmation of foregoing information.

ACTION:

Refer to Crime Research Section for consideration as to whether information herein, furnished orally to Inspector Stephens, should be confirmed in writing. If so, Crime Research Section should prepare appropriate confirmation letter.

PHF:jlh (6)
1 - Mr. Belmont
1 - Crime Records Division
1 - Mr. G. W. Gunn
1 - Liaison Section
1 - Mr. Fields

50 JUL 30 1959

↑
No need to confirm in writing
7/15/59
JWWS

CRIME REC
JUL 23 1959

American Bar Association

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach

DATE: July 9, 1959

FROM : M. A. Jones

SUBJECT: ROSS L. MALONE DC
PRESIDENT OF AMERICAN BAR ASSOCIATION
REQUEST FOR ASSISTANCE REGARDING
ANONYMOUS LETTER

Tolson
Belmont
DeLoach
McGuire
Mohr
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

(94-1-369-1170)
By letter dated July 7, 1959, Ross L. Malone, President of the American Bar Association, has forwarded the Director (1) an opened envelope containing a scurrilous-type mimeographed letter and (2) an unopened letter he believed also contains the mimeographed letter. Both of these envelopes are postmarked New York City and bear the printed return address of the American Bar Association in Washington, D. C. The opened envelope addressed to the San Francisco Enquirer, and the other is addressed to the Stark County Bar Association at Canton, Ohio. (As explained hereinafter, so that a latent fingerprint examination could be performed, the sealed envelope has been opened.)

The mimeographed letter is signed, "Court appointed counsel for the United States Appellate Court case number 14,950. And Court appointed counsel for the District of Columbia Court case number 31-58." Regarding the author or authors, the letter states, "If you think that we are afraid to sign our names to this letter, well we have our law offices in the District of Columbia. We are also members of the District Bar Association, and the American Bar Association."

The Washington Field Office has identified the above two cases as involving [redacted] a mental patient seeking to be released from St. Elizabeth's Hospital in Washington. Under case number 31-58, [redacted] was represented by [redacted] born in 1917, is a member of the American Bar Association. (He received the B. S. degree at Iowa State University and the LL. B. at The George Washington University Law School.) Under case number 14590, [redacted] is listed as representing himself.

In brief, the mimeographed letter is addressed, "Honorable Chief Justice" (of the United States Court for the District of Columbia) and complains, in part, "Any deformed sawdust-stuffed jackass with its bowels where its brains should be, could have made better use of its judgment than you did in Habeas Corpus Action number 31-58." The letter strongly berates the Chief Justice, but no threat of violence or demand for valuables was noted.

Enclosures *letter sent 7-10-59*

- 1 - Mr. Parsons
- 1 - Mr. Roach
- 1 - Mr. Trotter

GWG:sfc (9)

AUG 4 1959

*new field to
check 7-14-59
045/76*
CRIME REC

Jones to DeLoach Memo
Re: Ross L. Malone

Ross Malone states that the mimeographed letter "is, I am sure, a violation of the Federal statutes with reference to the use of the mails either by reason of its contents or by reason of the false card used on the envelopes (apparently the use of the return address of the American Bar Association in Washington, D. C.)." Malone would like to know the identity of the persons who forwarded the mimeographed letter so that, if they are lawyers, they may be disbarred. He would appreciate any assistance which can be given him on an official or personal basis.

RE [redacted]

As previously noted, [redacted] has been a mental patient at St. Elizabeth's. He is well known to the Bureau, having visited our Headquarters and written rambling letters to the Director on several occasions. Bufile 63-2371 reflects that [redacted] has displayed antagonism for members of the Judiciary in the past.

DC [redacted] *Bar 1917 / Iowa aka* [redacted] a local attorney, was described in the early 1940's as "eccentric, unprepossessing in appearance, and very talkative." As [redacted] (FBI No. [redacted]) he was arrested April 12, 1951, by the Washington Metropolitan Police Department on a charge of investigation [redacted]. The disposition of this arrest was "released." In 1952 he contacted the then Assistant Director S. J. Tracy with regard to a woman who was "getting the run around" in her efforts to obtain a position in the Department of Justice. (77-34502-26, 8 and 62-82790-1)

b6
b7c

LABORATORY EXAMINATION:

The FBI Laboratory has examined the mimeographed letter and the typewritten addresses on the two envelopes submitted by Ross Malone. The mimeographed letter is not identifiable with specimens in the Anonymous Letter File. Additionally, it was not possible for the Laboratory to positively classify the typewriting on the mimeographed letter or on the two envelopes.

FINGERPRINT EXAMINATION:

Since the Identification Division has the fingerprints of [redacted] (FBI No. [redacted]) in its files, the unopened envelope addressed to the Stark County Bar Association was opened. It was found to contain copies of the same anonymous mimeographed letter as the other envelope which Malone forwarded the Director. No latent fingerprints were found on the letter.

Jones to DeLoach Memo
Re: Ross L. Malone

RECOMMENDATIONS:

(1) That the attached letter be sent Malone, advising him that the two envelopes with the anonymous communication are being referred to the Post Office Department. This letter advises Malone that [redacted] represented [redacted] in one of the cases cited in the anonymous communication--and that [redacted] represented himself in the other case. It points out that the Anonymous Letter File was searched with negative results and that it was not possible to positively classify the typewriting on the envelopes or the anonymous communication. The letter also advises Malone that no latent fingerprints were found on the copies of the anonymous communication which were found in the unopened envelope.

✓

b6
b7c

(2) That the Liaison Section take the two envelopes, together with the copies of the anonymous communication, to the Post Office Department and advise the Chief Inspector that (a) these were sent the Bureau by Ross Malone who feels they constitute "a violation of the Federal statutes with reference to the use of the mails"; (b) the Director has advised Malone that the letters are being referred to the Post Office Department; (c) the two cases referred to in the anonymous letter involved [redacted] who has been a mental patient at St. Elizabeth's--and in one of the cases [redacted] was represented by [redacted] (d) the two letters have been searched against the Anonymous Letter File with negative results; and (e) an effort was made to locate latent fingerprints on the letters in the envelope addressed to the Stark County Bar Association--previously unopened--with negative results. (For the convenience of the Liaison Section, the two envelopes containing the mimeographed letters are attached in a cellophane envelope which should be taken to the Chief Postal Inspector.)

✓

Done 59
7-13-59
PAT

OK

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach

DATE: July 15, 1959

FROM : M. A. Jones

SUBJECT: *X* "CONSTITUTIONAL LAW:

THE PEOPLE'S RIGHT TO KNOW"

ARTICLE BY SENATOR THOMAS C. HENNINGS, JR.

(D-MISSOURI) JULY, 1959, ISSUE

AMERICAN BAR ASSOCIATION JOURNAL

Tolson ☒
 Belmont ☒
 DeLoach ☒
 McGuire ☒
 Mohr ☒
 Parsons ☒
 Rosen ☒
 Tamm ☒
 Trotter ☒
 W.C. Sullivan ☒
 Tele. Room ☒
 Holloman ☒
 Gandy ☒

PURPOSE:

To set forth briefly the views of Senator Hennings in captioned article.

REVIEW:

This article may be reduced to two main themes: (1) The public's basic right to information and (2) the permissible restrictions on this right to information.

REC-15

94-1-369-1177

Senator Hennings expresses his concern over comments by President Eisenhower at the time of his signing of the Hennings-Moss Act of 8-12-58, 72 Stat. 547, which decreed that the so-called "housekeeping statute" does not authorize withholding information from the public or limiting the availability of records to the public. The President stated that this bill did not alter the existing power of the head of an executive department to keep appropriate information or papers confidential in the public interest. This power in the Executive Branch is inherent under the Constitution. Hennings is unhappy that this view endorses those of Attorney General Rogers contained in a study by Mr. Rogers while Deputy Attorney General in 1956 entitled "Is a Congressional Committee Entitled to Demand and Receive Information and Papers from the President and the Heads of Departments Which They Deem Confidential, in the Public Interest?"

3 JUL 22 1959

A detailed discussion is presented concerning the First Amendment and Hennings equates the freedom of press and speech to freedom of access to all information. He relies heavily on *Grosjean v. American Press Company*, 297 U.S. 233 (1946), where the scope of the protection afforded by the First Amendment was at issue and the Court took occasion to refer to the centuries-long struggle of the English people "to establish and preserve the right... to full information in respect of the doings or misdoings of their government" and concluded that the predominant influence which brought about the adoption of the First Amendment must have come from this English experience.

- 1 - Mr. DeLoach
 1 - Mr. Edwards
 1 - Mr. Dalbey (Room 5232)

HEH:sfc

(9)

AUG 4

Jones to DeLoach Memo

Re: "Constitutional Law: The People's Right to Know"

Article By Senator Thomas C. Hennings, Jr.

Hennings then concedes that a Constitutional power must exist in certain circumstances, such as the conduct of our foreign affairs, to withhold information from the public. This power to withhold information, being one implied from the Constitution on the ground of necessity, exists only where it is greatly essential. Hennings concludes that the Executive privilege to withhold information from the public would seem to exist only in cases where it is necessary in the effective exercise of another Executive power and where divulgence of information would constitute a "clear and present danger" to the national interest. In the absence of enabling legislation by the Congress, information may be withheld from the public by the President only when these two tests are met.

RECOMMENDATION:

None. For information.

we will follow closely -

W 7/16

A. V.

AMERICAN BAR ASSOCIATION

OFFICE OF THE PRESIDENT
ROSS L. MALONE
ROSWELL PETROLEUM BUILDING
ROSWELL, NEW MEXICO
MAIN 2-0221

July 24, 1959

Honorable J. Edgar Hoover
Director, Federal Bureau of Investigation
Department of Justice
Washington 25, D. C.

Dear Mr. Hoover:

I want to express personally my appreciation of your letter of July 10, 1959, and the assistance which you have rendered in connection with the anonymous letters which I forwarded you under date of July 7, 1959.

Your thoughtfulness in forwarding the communications to the Chief Postal Inspector for further investigation is also appreciated.

With warm personal regards, I am

Sincerely,

Ross L. Malone
Ross L. Malone

RLM:bc

*No ack. necessary
JWG*

REC-96

94-1-369-1178
JUL 27 1959

CRIME REC.
JWG

57 AUG 5 1959

EXP. PROC.

JUL 27 1959

ENCLOSURE

ENCLOSURE

94-1-369-1179

AMERICAN BAR ASSOCIATION

**CITIZENSHIP
BULLETIN**

JUNE, 1959

**PUBLISHED BY THE
COMMITTEE ON AMERICAN CITIZENSHIP**

AMERICAN BAR CENTER, CHICAGO 37, ILL. 6

CITIZENSHIP BULLETIN

of the

Committee on American Citizenship

American Bar Association

June, 1959

Editor: COLONEL HAROLD J. SULLIVAN, USAF

Nothing herein contained shall be construed as the action of the American Bar Association unless it is stated that the same has been approved by the House of Delegates or the Board of Governors.

94-1-364-1179

know that the more idealistic youth can be trapped by the emotional appeal of a cause presented with crusading spirit and zeal.

In past decades, the Communists have captured the minds of thousands of inexperienced youth by presenting a wholly false picture of a brave new world, while, at the same time, their most intense efforts were bent toward the creation of a menacing totalitarian monster.

This brazen and cynical exploitation of the wonderful traits of youth is one of the most vicious aspects of the whole conspiracy to enslave and dominate the world. But despite their best efforts, the Communists cannot keep the false curtain entirely closed to inquiring young minds. The freedom fighters of Hungary and a Russian poet, in their own way, made rents through which reality shone all too briefly.

Unfortunately, the very unsettled conditions of the world today—conditions created in large part by Communist activity—help the Communist in his work of subversion. This is an age of great social change. And change—the breaking of the moorings of parental control, and the breaking with past traditions—makes it much easier for exploiters to ridicule and destroy the principles, standards and morals which have proved the safeguards of freedom throughout history.

The complete amorality of the convinced Communist enables him to take full advantages of the proneness of youth to relinquish the stable moorings of principle and tradition. The young mariner too often sets sail with false charts to steer by and a false star to guide his course.

And make no mistake about it. Every child in America is an ultimate target of Communist effort in some form or other. Students and young workers, particularly those in industry, are objects of concentrated propaganda effort. This effort is extremely subtle. It consists in large part of a ceaseless, relentless campaign against our American way of life, our ideals, culture, laws, morality, religions, traditions, principles, customs, and institutions.

It seeks to destroy the respect of the young for all of these things which are termed by the Communists "petty bourgeois ideologies and influences."

It seeks to eliminate—often by means of ridicule—that patriotic love of country which at Valley Forge held a ragged, barefoot army together in a cause that many times seemed hopeless.

It seeks to weaken character, destroy individualism, and create a mass man who will offer little resistance to Communist collectivism.

Much Communist propaganda directed at youth feature a pacifist, antimilitarist theme. This, of course, is calculated to weaken the military potential of the United States.

By every possible means, propagandists seek to present the false face of communism to inexperienced youth.

They not only seek the college campus as a forum, but they also strive with every means at their command to place Marxist members in sound,

wholesome youth groups for the purpose of influencing and subverting nonparty youth.

Again and again Communist functionaries have indicated that they consider the assignment of party members to work among teenagers as vital. Every youth organization is a target. No group is immune.

In one instance we learned of the formation of a Communist-dominated youth group which had, as its main purpose, the infiltration of two specific organizations.

In another instance we learned of an individual boasting that he had succeeded in turning a youngster, met through a sound youth organization, away from the latter's religion and had nursed him along to the threshold of communism.

We are beginning to learn how the Communist conspirators exploit the natural idealism of youth to advance an unnatural brutal and godless tyranny. How do we propose to meet such a challenge here at the threshold of the nuclear age?

It is our responsibility to recognize and to understand the forces motivating our youth. Confronting the same conditions which Communists use in exploiting youth for evil ends, we must, in a positive and dynamic fashion, direct the same forces to serve the ends of justice, truth, and freedom.

The future belongs to youth. If the world of the future is to be a free one—a wholesome one, in which the word "justice" has meaning—we must offer nourishing food to build the minds and characters of youth. We must implant sound ideas, hold forth high standards, and develop the ideals essential to the preservation of freedom. We must teach true values and instill necessary disciplines. We must, by example, help our youth live up to—and preserve—the spiritual heritage which is the birthright of every American.

Our Republic is predicated upon the premise that extraordinary qualities exist in ordinary people and that freedom of opportunity enables those qualities to develop and flourish. This is traceable to the creativeness inherent in Christian metaphysics. It is the direct antithesis of the quality of negation which marks the Communist philosophy.

In no area of living can the spirit of man soar skyward when it is chained to earth by an ideology which denies man either soul or spirit.

What is to be the character of the next generation? Goethe said that the destiny of any nation depends on the opinions of its youth under 25. There is no question but that this vital group is a direct target of intense Communist endeavor. How are we going to meet that challenge?

**THIS BULLETIN IS THE FIRST TO BE PUBLISHED SINCE
THE WINTER 1956-1957 ISSUE.**

1179



American Bar Center

AMERICAN BAR ASSOCIATION

STANDING COMMITTEE ON AMERICAN CITIZENSHIP
1958-1959

Mr. Tolson	
Mr. Belmont	
Mr. DeLoach	
Mr. McGuire	
Mr. Mohr	
Mr. Parsons	
Mr. Rosen	
Mr. Tamm	
Mr. Trotter	
Mr. W.C. Sullivan	
Tele. Room	
Mr. Holloman	
Miss Gandy	

HAROLD J. SULLIVAN, *Chairman*
EADF, Stewart Air Force Base, N. Y.
CECIL E. BURNEY
Driscoll Bldg., Corpus Christi, Texas
FREDERICK G. FISHER, JR.
60 State Street, Boston 9, Mass.
THOMAS G. GREAVES, JR.
First Nat'l Bank Bldg., Mobile 1, Ala.
SIDNEY G. KUSWORM, SR.
Keith Building, Dayton 2, Ohio
WALTON J. MCLEOD, JR.
P. O. Box 230, Walterboro, S. C.
GEORGE W. NILSSON
510 West Sixth Street, Los Angeles 14, Calif.

12 August 1959

Honorable J. Edgar Hoover
Director, Federal Bureau of Investigation
Department of Justice
Washington 25, D. C.

Dear Mr. Hoover:

I am forwarding a copy of the June issue of the Citizenship Bulletin of this committee and again want to express our appreciation for your permission to republish your article, "Youth, Communist Target".

Sincerely,

Harold J. Sullivan
HAROLD J. SULLIVAN
Colonel USAF

Incl

REC- 34

94-1-369-1179

23 AUG 26 1959

EX - 135

EXP. PROC.
AUG 14 1959
32

ENCLOSURE ATTACHED

ENCLOSURE

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ac 8-20-59
DC J

REC-34

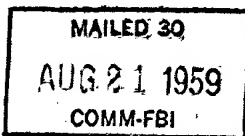
August 20, 1959

44-1-367-1179

Colonel Harold J. Sullivan, USAF
Chairman
Standing Committee on American Citizenship
American Bar Association
EADF
Stewart Air Force Base, New York

Dear Colonel:

Thank you for your letter dated August 12, 1959,
with enclosure. It was indeed good of you to reprint my article,
"Youth, Communist Target," beginning on page 19 of the June,
1959, "Citizenship Bulletin." I appreciate your thoughtfulness in
sending a copy of this issue to me.



Sincerely yours,

J. Edgar Hoover

NOTE: By letter dated February 18, 1959, Sullivan was granted permission
to reprint the Director's article, "Youth--Communist Target." Commas
used in name of article per incoming and booklet in which article appears.

DCJ:bla
(3)

Aug 20 3 30 PM '59
REC'D-READING ROOM
FBI

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Mohr _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

60 SEP 9 1959

SEP 15 06H 22
FBI

V. G.

W. J. [unclear]

cc

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach

DATE: August 19, 1959

FROM : M. A. Jones

SUBJECT: **AMERICAN BAR ASSOCIATION (ABA)**
ANNUAL MEETING
MIAMI, FLORIDA
AUGUST 24-28, 1959

DeLoach ☒
 McGuire ☒
 Mohr ☒
 Parsons ☒
 Rosen ☒
 Tamm ☒
 Trotter ☒
 W.C. Sullivan ☒
 Tele. Room ☒
 Holloman ☒
 Gandy ☒

The annual meeting of the ABA will be held from August 24, through August 28, 1959, at Miami, Florida. In addition to meetings by the entire body as a whole each of the 18 sections within the ABA has scheduled a full slate of meetings, speeches, luncheons, banquets, etc. Some of these will commence the week before the regular meeting and then run simultaneously with the regular meeting. (It is noted that the Director has previously approved the attendance of Inspector H. L. Edwards and SA Horie at this meeting.) Not all of the activities and speakers are now known, but a review of literature distributed by the ABA reveals the following items of particular interest to the Bureau.

Assembly Meetings

Address of Welcome by Governor LeRoy Collins of Florida, 10:00 a.m., Monday, 8/24/59, International Room, The Americana, followed by Annual Address of the President of the ABA, Ross L. Malone, to be entitled, "Our First Responsibility."

Address by Attorney General William P. Rogers, the second session of the entire body, 10:00 a.m., Wednesday, 8/26/59, International Room, The Americana.

Address at the annual dinner by Under Secretary of State C. Douglas Dillon, 7:30 p.m., Thursday, 8/27/59, International Room, The Americana.

Report by the Chairman of the House of Delegates of Action upon Resolutions Previously Adopted by the Assembly, Friday, 8/28/59, following adjournment of final session of the House of Delegates, Medallion Room, The Americana.

Standing Committee on Bill of Rights REC-59

Address by Robert G. Storey, former President of the ABA and member of the Federal Commission on Civil Rights, at a meeting of the Standing Committee on the Bill of Rights, 3:15 p.m., Wednesday, 8/26/59, Heather Room, The Balmora.

68 SEP 15 1959

1 - Mr. Edwards

HEH:ph (6)

SENT DIRECTOR

8-21-59

CRIME REC

NGH

Jones to DeLoach Memo
August 19, 1959

(It is noted that a report of this Committee was issued on August 12, 1959, which was contradictory to a report issued at the February meeting of the ABA by the Special Committee on Communist Tactics, Strategy and Objectives. The Bill of Rights Committee report stated that a study of recent United States Supreme Court decisions in security matters revealed no indications that the security of the Nation or states had been impaired. This report is to be submitted to the ABA Convention in Miami for "the information" of the ABA's governing House of Delegates. Separate memoranda have been prepared on the members of this Committee and this matter will be followed closely by the Bureau's representatives to the Convention.)

Criminal Law Section Activities

Meeting 2:00 p.m., Monday, 8/24/59, Florida Room, Bal Harbour Hotel, subject, "Pros and Cons of Capital Punishment," James V. Bennett, Section Vice Chairman, presiding. Panel members, Professor [redacted] University of Pennsylvania; Governor Michael V. DiSalle of Ohio, and Richard E. Gerstein, State Attorney, Dade County, Miami, Florida.

Meeting 10:00 a.m., Tuesday, 8/25/59, Florida Room, Bal Harbour Hotel, Charles L. Decker, Section Assistant Secretary presiding. Subject, "Labor Racketeers-Diagnosis and Treatment." Panel members, Erwin D. Canham, President, Chamber of Commerce of the United States and Editor "The Christian Science Monitor;" Senator Sam, J. Ervin, Jr., North Carolina and [redacted] Special Counsel to the AFL-CIO.

Meeting 2:00 p.m., Tuesday, 8/25/59, Florida Room, Bal Harbour Hotel, [redacted] Council Member, presiding, subject, "Modern Attitudes Towards Crime--An Appraisal of Present Trends." Panel members, Assistant Attorney General [redacted] Judge Thomas D. McBride, Supreme Court of Pennsylvania and Major General George W. Hickman, Jr., Judge Advocate General of the Army.

Business meeting, 2:00 p.m., Wednesday, 8/26/59, Florida Room, Bal Harbour Hotel, Rufus King, Section Chairman, presiding.

Jones to DeLoach Memo
August 19, 1959

Family Law Section

12:30 p.m., Wednesday, 8/26/59, Palladio Room, The Sea View, Section Luncheon.

General Session, 2:00 p.m., Wednesday, 8/26/59, [redacted] presiding. Subject, "Juvenile Court Problems and Procedures," speakers: Judge Orman W. Ketcham, Juvenile Court of the District of Columbia and Judge O. D. Howell, Jr., Juvenile and Domestic Relations Court, Tampa, Florida.

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Judicial Administration Section

12:30 p.m., Tuesday, 8/25/59, Basque Room, Barcelona Hotel, Justice Tom Clark presiding, Addresses by Erle Stanley Gardner, entitled "The Need for Obedience to Law" and Mr. Justice Brennan entitled "Summarizing Conference Objectives."

Junior Bar Conference

2:00 p.m., Saturday, 8/22/59, La Ronde Room, Hotel Fontainebleau. Address by Edward Bennett Williams entitled "Congress and Its Investigators."

Appropriate brief summaries re individuals expected to be contacted and write-ups of specific issues which may arise are being separately prepared to assist the FBI representatives in fully protecting the Bureau's interests.

RECOMMENDATION:

For information.

*Keyser
8/21
They certainly have some
issues "bedding-heads"
listed.
H.*

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: 8/10/59

FROM : SAC, CHICAGO (80-355)

ATTENTION: INSPECTOR H. LYNN EDWARDS

SUBJECT: AMERICAN BAR ASSOCIATION PROGRAM
FOR THE 1959 ANNUAL MEETING TO BE
HELD AT MIAMI, FLORIDA, 8/24-28/59

In view of the fact the Bureau anticipates sending two representatives to the American Bar Association (ABA) Annual Meeting, the meeting's agenda, as set forth in the July, 1959, issue of the "American Bar Journal", was reviewed in order to identify ABA members from the Chicago area who are scheduled to participate in some manner at the meeting in legal topics which may be of interest to the Bureau.

In that there is a possibility the Bureau representatives may come in contact with these ABA members, the results of a Chicago indices and file review search is set forth under the name of each of the ABA members scheduled to participate in the meeting, according to the "American Bar Association Journal".

[REDACTED]
Professor, Northwestern University at Evanston, Illinois. Panel member, Administrative Law Section, ABA meeting.

CG indices and files negative.

[REDACTED]
Chairman, Committee on Savings and Loan Associations, CG, Illinois. Moderator, Corporation, Banking and Business Law Section, ABA Meeting.

CG indices and files negative.

[REDACTED] [REDACTED]
Professor, Law School, University of Chicago. Panel member of the Criminal Law Section, ABA Meeting.

CG files reveal [REDACTED] at Kansas City, Kansas. According to the report of SA [REDACTED] CG, dated 10/28/57, entitled [REDACTED] (Bufile 77-76351), [REDACTED] EDITION LAWS

(3) - Bureau (AM) (RM)
1 - Chicago

DFB:tmk
(4)

REC-38

18 AUG 14 1959

CRIME REC

EXP. PROC. 32

CG 80-355

[] was a member of the Harvard Law School faculty prior to accepting a position with the University of Chicago.

On August 10, 1959, [] Supervisor of Personnel, Northwestern University at Evanston, Illinois, advised SA WILLIAM L. BAILEY a review of closed personnel files revealed [] was a member of the law faculty at Northwestern University from [] at which time he resigned to accept a position at the Harvard Law School.

An anonymous source furnished the Pittsburgh office on 7/18 and 19/56 certain 3x5 index cards maintained by the Committee to End Sedition Laws (CESL), Pittsburgh Division, Room 212, Forbes Bldg., Pittsburgh, Pa. The original documents are maintained in Pittsburgh file 100-12581-1B2. One card bore the following record, "Prof. [] Northwestern U. Evanston, Ill." No further data was recorded.

Although the Chicago Division does not have a documentation for the Committee to End Sedition Laws, Pittsburgh, the following characterization of the Committee to End Sedition Laws, Chicago Division, is set forth which shows Communist Party (CP) interest in the organization:

[] orally advised SA CARL N. FREYMAN on 4/26/56, that the Committee to End Sedition Laws of Chicago was set up in the late summer of 1955 for the purpose of assisting STEVE NELSON in the fight against his conviction in the State of Pennsylvania under the State Sedition Law. The second purpose was to propagandize and influence efforts to abolish all state sedition laws in the United States. This Committee in Chicago was set up by the Communist Party with [] a CP member, as its chairman. According to this source, the Committee in Chicago was abolished following the United States Supreme Court decision in the NELSON case in April, 1956, when it was felt that this committee had served its purpose.

ABRAHAM L. MAROVITZ

Chief Justice, Criminal Court of Cook County, Illinois, presiding over a meeting of the Judicial Administration Section, 2:00 PM, 8/24/59, ABA meeting.

FLA.

CG 80-355

Derogatory information concerning MAROVITZ is set forth in the reports of SA EDWARD V. DAILEY, CG, dated 11/1-6/51; 11/14/51; 4/29/52, and 5/23/52, entitled "ABRAHAM L. MAROVITZ, aka., DEPARTMENTAL APPLICANT, U.S. DISTRICT JUDGE, NORTHERN DISTRICT OF ILLINOIS" (CG file 77-3325), Bufile not known. 77-3325

CHARLES F. MC ERLEAN

Chicago, Illinois, Co-Chairman of a Railroad Labor Law Report, Labor Relations Law Section, ABA meeting.

OSI, USAF, advised by letter dated 2/16/54 that CHARLES F. MC ERLEAN, born 8/18/12 at Chicago, Illinois, a graduate of Georgetown University Law School, class of 1936, was a member of the National Lawyers Guild (NLG) from 1938-39. From 1946 to the date of the OSI letter, MC ERLEAN was employed as Director of Law, United Air Lines, Inc., at Chicago. D.C. FLA

The National Lawyers Guild was cited as a communist front organization by the Special Committee on Un-American Activities, House Report 1311 on the CIO Political Action Committee, March 29, 1944, page 149.

For additional background information and assistance to the Bureau officials who will participate in the meeting, SA DANIEL F. BLEDSOE, who is currently assigned liaison with the National Headquarters of the ABA at Chicago, ascertained through conversation with JOSEPH D. STECHER, Executive Director of the ABA, that prior to his administrative appointment with the ABA he practiced law in the State of Ohio and specialized in appeal cases. CG indices negative re STECHER who has been cooperative and congenial to Bureau representatives who have contacted him on official business. ILL

[redacted] Controller, ABA, who while attending a Board of Governors meeting of the ABA at Washington, D.C., during the spring of 1959 was afforded a tour of Bureau facilities by SA HOXIE, within the last two weeks advised SA BLEDSOE he anticipates touring Central and South America during the fall of 1959, b6 b7C ILL

CENTRAL AMERICA. FLA

specific dates and itinerary not known. [] advises the objective of the trip would be to contact various officials and dignitaries in high legal circles in the South American hemisphere. [] offered his services to the Bureau on the trip in any manner in which he could be of assistance. [] was advised his thought was appreciated, and the subject was not pursued further by SA BLEDSOE. During other conversations which followed later, [] discreetly made it known that he was desirous to determine whether or not he should contact any Bureau officials who may be assigned abroad. To date SA BLEDSOE has been circumspect concerning this topic and has been non-committal as to whether or not the Bureau has representatives abroad, in accordance with Bureau policy.

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b7C

The Bureau officials who attend the ABA meeting should be alert to the possibility [] trip to South America may arise in conversation and should be prepared to conduct themselves accordingly.

STECHER, [] D.C. FLA. Director of Activities, ABA, who was also afforded a tour of Bureau facilities along with [] have often complimented Bureau representatives on the conduct of Bureau personnel who contact various representatives of the ABA, therefore, should a subject of special interest come to the attention of the Bureau representatives at the ABA meeting, it is suggested that one of the three mentioned ABA officials be directly contacted.

Law Offices
Kusworm and Kusworm

Fourth Floor, Keith Building

Dayton 2, Ohio

August 24, 1959

SIDNEY G. KUSWORM, SR.
SIDNEY G. KUSWORM, JR.
IRVING I. SAUL

b6
b7C

Mr. J. Edgar Hoover
Federal Bureau of Investigation
Washington, D. C.

Dear Mr. Hoover:

Thank you very much for your letter of August 17th,
which is deeply appreciated.

I am sorry you cannot attend the meeting of the American
Citizenship Committee of the American Bar Association
on August 23rd, but the material which you furnished on
the subject of Communism is extremely valuable, and I
will present it to our Committee at our meeting on
August 23rd.

While I have not had the opportunity of reading carefully,
the enclosures which you were kind enough to send to me,
a brief glance at the data containing your thoughts in the
matter of combatting Communism, shows that you have given
this most careful attention.

I hope the combined efforts of distinguished men like
yourself and our humble Committee on American Citizenship
will result in some effective work being done to combat
this terrible scourge - called "Communism."

EX 109

Sincerely,

REC-105

AUG 27 1959

SGK SR:mms

This letter was dictated by [redacted] prior to his
leaving the City, and typed subsequently.

60 SEP 2 1959

CRIME-REC.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: August 14, 1959

FROM : C. D. DeLoach

SUBJECT: AMERICAN BAR ASSOCIATION ANNUAL MEETING
MIAMI, FLORIDA (8/24-27/59)
PROPOSED REPORTS OF SPECIAL COMMITTEE
ON COMMUNIST TACTICS, STRATEGY AND OBJECTIVES,
AND SPECIAL COMMITTEE ON INDIVIDUAL RIGHTS
AS AFFECTED BY NATIONAL SECURITY

Tolson _____
 Belmont _____
 DeLoach _____
 McGuire _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Trotter _____
 W.C. Sullivan _____
 Tele. Room _____
 Holloman _____
 Gandy _____

By letter dated 8/10/59, Peter Campbell Brown, Chairman of the American Bar Association Special Committee on Communist Tactics, Strategy and Objectives (of which Mr. Nichols is a member) enclosed for the Director's information copies of proposed reports to be presented at the annual meeting of the American Bar Association in Miami (8/24-27/59) by his Committee and the Special Committee on Individual Rights as Affected by National Security [redacted] Chairman; Arthur J. Freund; [redacted] Whitney North Seymour and Edward Bennett Williams, members). These reports deal with two questions referred jointly to these Committees at the last annual meeting for the purpose of having the Committees try to reach a joint report. The two problems were (1) permissible restrictions on the issuance of passports and (2) governing the "nonsensitive" Federal Government positions under the present security employee program. b6 b7C

In his letter [redacted] refers to the report of the Special Committee on Communist Tactics, Strategy and Objectives approved at the midwinter meeting of the American Bar Association in Chicago which dealt with the U. S. Supreme Court. He states he has heard rumors that some of the "egghead" set may attempt to reverse those resolutions, but he feels they will be unsuccessful. [redacted] says the strategy at the coming annual meeting will be not to present any lengthy report from his Committee but merely submit views on the two joint questions referred to and endeavor to gain ground for a complete report at the next midyear meeting in February, 1960 by sounding out general membership opinion. [redacted] does not ask anything of the Director but makes the offer to "carry the ball" on any thoughts the Director would like covered. He plans to depart from New York 8/18/59 and will be in Miami until 8/29/59. n

REC-13

94-1-369-1183

Edwards, who has been approved (with Special Agent Supervisor Herbert E. Hoxie) to attend the Miami meeting, arranged for Mr. Belmont's and Mr. Rosen's Divisions to analyze these proposed reports, and a brief summary of the gist of them is included herein for the Director's information. It is not believed we should make any comment either of the problems, both of which deal with pending legislation concerning which the Bureau has been in close touch with the Department.

Enclosure

- Mr. H. E. Hoxie

1 - Mr. Rosen

- Mr. J. P. Belmont

1 - Mr. H. L. Edwards

HLE:cag (6)

SENT DIRECTOR
 FOR APPROVAL
 8-15-59

CRIMINAL REC.
 100-1-369-1183

DeLoach to Tolson memorandum

1. PASSPORT LEGISLATION

The Ballard Committee report emphasizes the individual's right to travel as a Constitutional guaranteed "liberty" and wants it limited only to the extent clearly shown to be required by the national security. It advocates a full hearing before denial of passports, the right of counsel for the applicant, his right to present evidence and witnesses, to confront and cross-examine all witnesses except where Secretary of State personally certifies charges are derived from an informant believed by him to be reliable and whose identity cannot be disclosed without serious damage to the national security. It also advocates applicant receiving detailed specifications of reasons for denial and provisions for judicial review of Secretary of State's refusal to issue passport.

The Brown Committee report stresses national security and recommends adoption of a resolution restoring to Executive Branch the right to deny passports to persons knowingly engaged in subversive activities or activities intended or designed to further international communism. Secretary of State should be empowered to deny passport based on confidential information where he certifies it is contrary to national interests. Brown Committee does not consider right to travel guaranteed by Bill of Rights but contends it is a privilege.

The two reports stem from opposite philosophies, the Brown Committee commenting it has been unable to reach agreement with Ballard Committee because they are separated by differences in their primary emphasis.

2. FEDERAL EMPLOYEE SECURITY PROBLEM

The proposed Ballard Committee report recommends the American Bar Association oppose Congressional legislation to extend the act of August 26, 1950, (Public Law 733) and Executive Order 10450 to cover nonsensitive, as well as sensitive, positions. (As a result of Supreme Court decision in *Cole vs. Young*, the application of this Act and Executive Order were limited to sensitive positions.) The Director has taken the position that it had been the intent of Congress and certainly seemed to be the tenor of the American people that communists should not be employed in either sensitive or nonsensitive positions; however, at a conference in the Attorney General's office 3/12/59, attended by Director, the Attorney General and Solicitor General both felt it would be very unwise to apply an over-all security program to nonsensitive positions unless a very good case could be made for it and, of course, there must be kept in mind the necessity for confrontation as the courts are inclined to demand.

Public Law

The Brown Committee proposed report recommends Congressional legislation extending the Summary Suspension Act (P.L. 733) of 1950 to all departments and agencies of Executive Branch of the Government. This is substantially the position taken by the Committee at the midwinter meeting in Chicago, February, 1959, which recommended "restore to the Executive Branch of our Government the right to determine and to dismiss, if required, those who are security risks in both sensitive and nonsensitive positions in the Government service."

DeLoach to Tolson memorandum

RECOMMENDATION:

That Brown's letter be routinely acknowledged (proposed reply attached), that no comment be made on either of the proposed reports, but that he be told if anything occurs to the Director in connection with Brown's offer of assistance, the Director will promptly communicate with him.

W

OK K

Office Memorandum

UNITED STATES GOVERNMENT

TO : Mr. A. Rosen *Rosen*

DATE: 8/13/59

FROM : C. H. Stanley *CHS*

Tolson _____
 Belmont _____
 DeLoach _____
 McGuire _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Trotter _____
 W.C. Sullivan _____
 Tele. Room _____
 Holloman _____
 Gandy _____

SUBJECT: PROPOSED RECOMMENDATIONS CONCERNING
 FEDERAL EMPLOYEE SECURITY
 AMERICAN BAR ASSOCIATION

BACKGROUND:

Peter Campbell Brown, by letter dated 8/10/59, enclosed proposed reports of the American Bar Association's (ABA) ~~Special Committee on Individual Rights as Affected by National Security of which~~ [redacted] is chairman (hereinafter referred to as [redacted] Committee) and ABA Special Committee on Communist Tactics, Strategy and Objectives of which Peter Campbell Brown is chairman (hereinafter referred to as Brown's Committee), both dated August, 1959. Brown pointed out that the annual ABA meeting will be held in the near future at which some efforts might be taken to reverse resolutions presented by Brown's Committee and adopted by members of the House of Delegates at a meeting in Chicago in February, 1959.

Brown's Committee in February, 1959, recommended the following:

"Restore to the Executive Branch of our Government the right to determine and to dismiss, if required, those who are security risks in both sensitive and nonsensitive positions in the Government service." (94-1-369-1143)

Brown's Committee referred to the Supreme Court decision in Cole v. Young, 6/11/56, which limited the current Federal Employee Security Program (FESP) to occupants of sensitive positions, as illustrative of how our security has been weakened.

Brown's Committee in its proposed report of August, 1959, takes a similar position in that it recommends that Congress enact legislation to extend the Summary Suspension Act of 1950 to all departments and agencies of the Executive Branch of the Government. The Summary Suspension Act of 1950 is the Act of August 26, 1950, (Public Law (PL) 733) which gave the heads of specified sensitive agencies the right to summarily suspend and terminate employment when deemed necessary in interest of national security. This Act was extended under Executive Order (EO) 10450 (FESP) to all agencies and departments in the Executive Branch of the Government.

1 - Crime Records Division
 1 - H. L. Edwards, Room 5642

RHE:ap

(6)

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b7c

EX-135

94-1-369-1184

6-1184

Memorandum to Mr. Rosen

[] Committee recommends that ABA oppose adoption by Congress of HR 1870 (86th Congress, First Session) or other legislation extending the provisions of the Act of 1950 and EO 10450 to cover nonsensitive as well as sensitive positions. The reasons given for this position are:

1. The existing program is dangerously lacking in essentials of procedural due process pointing out, among other things, that the employee does not have the right of confrontation of Government witnesses nor is the Government required to produce witnesses and there is no right of judicial review of administrative determination.

b6
b7C

2. There are elaborate security investigative and screening procedures permitted under PL 733 and EO 10450 so that the majority of security cases have been handled under existing Civil Service and Veterans' Preference laws and related procedures.

[] Committee concluded with the hope:

"That further study of this entire field by the cognizant Government officials will produce new legislation of a comprehensive nature which will contain adequate guarantees of procedural due process for the individual."

OBSERVATIONS:

Several bills have been introduced in this Session of Congress to nullify the Supreme Court decision in Cole v. Young by amending the Act of August 26, 1950 (PL 733) to extend its provisions to cover civilian employees in all departments and agencies of the U. S. Government. Typical of these bills have been HR 1161, HR 1870, HR 1989 and S. 1304.

Memorandum to Mr. Rosen

The Bureau furnished its comments with regard to HR 1161, HR 1870, and HR 1989 (identical in nature) to the Deputy Attorney General (DAG) by letter dated 2/2/59. (66-19000-47) It is to be noted that [redacted] Committee opposes adoption by Congress of HR 1870. These bills, in addition to extending the provisions of PL 733 to all departments and agencies of the Government, empower Civil Service Commission (CSC) to review the decision of the agency head in the case of a suspended or terminated employee with regard to validity, truth and merits of the charges made and procedures followed. The decision of CSC would be final and conclusive. It was pointed out in our letter to the DAG that many agency heads would undoubtedly object to this proposal and would prefer the right to make final and conclusive determinations concerning their own employees as exists under the Act of 8/26/50. It appeared these bills would not affect the investigative responsibilities of this Bureau. It was pointed out to the DAG that any action which will prevent subversive or questionable characters from being employed in either sensitive or non-sensitive positions in the Federal Government is highly desirable.

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Concerning S. 1304, the Bureau informed the DAG by letter dated 4/20/59 that S. 1304 did not appear to affect this Bureau's investigative responsibilities since, pursuant to the Attorney General's (AG) instructions, this Bureau has continued under the current FESP to investigate occupants of both sensitive and nonsensitive positions. (66-18949-348)

In a letter to the AG dated 3/25/59 captioned "Proposed Security Legislation," (66-19000-54) it was stated that it appeared that the chief purpose of the legislation proposed by the Subcommittee of the Personnel Security Advisory Committee Concerning a Civilian Personnel Security Loyalty Program is to satisfy the need for a program to cover sensitive and nonsensitive employees of the Federal Government which is in accord with the Director's expressed concern at the current trend toward weakening programs in the personnel security field.

Memorandum to Mr. Rosen

The FESP is a very controversial field because of the conflicting demands of national security and fairness to individuals involved in this program. This is borne out by the reports drafted by the [] and Brown Committees. The Director has expressed concern at the current trend toward weakening programs in the personnel security field and any action which will prevent subversives or questionable characters from being employed in either sensitive or non-sensitive positions in the Federal Government is highly desirable. Our investigative responsibilities appear to remain the same under bills introduced in Congress which are similar to the recommended position of the Brown Committee inasmuch as the Bureau now investigates under the FESP, pursuant to the Attorney General's instructions, occupants of both sensitive and nonsensitive positions in the Executive Branch of the Government where there is a question of loyalty.

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There is a strong argument for the need for legislation so that there will be a clear expression of Congressional intent in this field which, as a result of the Cole v. Young case, has been limited in its application to sensitive positions. The Director, in a conference with the AG on 6/26/56, stated that he was in accord with legislation introduced in Congress to extend the security program to various positions in the Government. The Director suggested that the AG support such legislation since the Director felt it had been the intent of Congress originally and certainly seemed to be the tenor of the American people at that time that communists should not be employed in any branch of the Government whether the position be sensitive or nonsensitive. (100-3-74-385)

At a conference in the AG's Office on 3/12/59 attended by the Director, the AG and the Solicitor General both felt it would be very unwise to apply an over-all security program to nonsensitive positions unless a very good case could be made for it and, of course, there must be kept in mind the necessity for confrontation as the courts are now inclined to demand. (66-18949-325)

Memorandum to Mr. Rosen

RECOMMENDED POSITION OF BUREAU:

The recommendation of Brown's Committee in February, 1959, as approved by the House of Delegates, appears to be sound and a position better stated than in the August, 1959, report which is to extend the Summary Suspension Act of 1950 to all departments and agencies of the Executive Branch. The reason for this statement is that the AG has recommended in the past that the Suspension Act of 1950 be amended to make suspensions discretionary rather than mandatory prior to a hearing. This is commented upon in the [] report. Another point as made by the [] Committee is that there is no requirement that a Government employee be interviewed prior to his suspension. The AG in his recommendations of 3/4/55 suggested that a personal interview with the employee prior to suspension is helpful but this is not a requirement under this Act. Many agencies are now interviewing employees upon completion of an investigation by the FBI under the FESP.

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Brown's report points out that it believes employment by the Federal Government is a privilege and not a right and that it feels the American public is entitled to the services of loyal Americans in the employ of their Government regardless of whether they are employed in sensitive or nonsensitive positions. This is a sound statement with which the Bureau agrees.

The Bureau's position in this matter, as has been stated to the Department, is that any action which will prevent subversives or questionable characters from being employed in either sensitive or nonsensitive positions in the Federal Government is highly desirable and the Executive Branch of the Government should have the right to dismiss, if required, those who are security risks whether they are employed in sensitive or nonsensitive positions. In the [] report the comment is made that there is no right to judicial review of the administrative determination under the present program. Judicial review of administrative determinations would appear to make any

Memorandum to Mr. Rosen

personnel security program cumbersome and bog down the courts if such review would allow appeals solely on the merits of the case and not some constitutional question or other question of law. The Judicial Branch would then, in effect, be "assisting" the Executive Branch in administering a personnel program for Executive Branch employees.

It would seem to be important to have a clear expression of Congressional intent in this matter, especially as a result of the Supreme Court decision in the Cole case limiting the FESP to sensitive positions and the Supreme Court decision in the William L. Greene case of 6/29/59. In the Greene case, the Court struck down as invalid the hearings, appeals and review portions of the Industrial Security Program (ISP) under which the Defense Department grants employees of private contractors access to classified information. The Supreme Court held that the Defense Department had not been authorized by the President or Congress to conduct hearings under the ISP at which employees were denied the traditional procedural safeguards of confrontation by and cross-examination of witnesses against them. Although this decision was concerned with the ISP, it does have a definite bearing on the FESP as well as other personnel security programs and Justice Clark in his dissent noted:

"No one reading the opinion will doubt that the explicit language of its broad sweep speaks in prophesy. Let us hope that the winds may change. If they do not, the present temporary debauch will turn into a rout of our internal security."

ACTION:

It is recommended that this memorandum be routed to Inspector H. L. Edwards.

✓ PHZ

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 28 1959

TELETYPE

Mr. Tolson _____
Mr. Belmont _____
Mr. DeLoach _____
Mr. McGuire _____
Mr. Mohr _____
Mr. Parsons _____
Mr. Rosen _____
Mr. Tamm _____
Mr. Trotter _____
Mr. W.C. Sullivan _____
Tele. Room _____
Mr. Holloman _____
Miss Gandy _____

URGENT 8/27/59 11-02 PM EST TOM
TO DIRECTOR, FBI ATTN...CRIME RECORDS DIVISION
FROM INSPECTOR H. L. EDWARDS

VIA MIAMI FBI OFFICE
(ABA)
AMERICAN BAR ASSOCIATION, EIGHTYSECOND ANNUAL MEETING, MIAMI.
REFERRING TO TELETYPE OF AUGUST TWENTYSIXTH SUMMARIZING
PERTINENT DEVELOPMENTS IN ABA ANNUAL MEETING, THIS IS SUPPLEMENTARY
SUMMARY CONCERNING EVENTS OF LATE AFTERNOON SESSIONS, AUGUST
TWENTYSIXTH, AND DAYTIME SESSIONS OF AUGUST TWENTYSEVENTH.
ROBERT G. STOREY, VICE CHAIRMAN OF CIVIL RIGHTS COMMISSION,
ADDRESSED OPEN SESSION SPONSORED BY ABA COMMITTEE ON BILL OF
RIGHTS. HE DISCUSSED THE COMMISSION ON CIVIL RIGHTS, ITS
PURPOSES, MEMBERSHIP AND WORK. MENTIONED HEARINGS HELD IN
ALABAMA AND LOUISIANA RESULTING FROM COMPLAINTS OF DENIALS OF
RIGHT TO VOTE. STATED THEIR HEARINGS, COMPLAINTS AND INVESTI-
GATIONS DISCLOSED RIGHT TO VOTE IS BEING DENIED CERTAIN AMERICAN
CITIZENS UPON A DISCRIMINATORY BASIS IN CERTAIN COUNTIES IN A
FEW SOUTHERN STATES. ALSO CITED INQUIRIES CONCERNING DENIAL OF

END PAGE ONE

REC-37

24 SEP 1 1959

SEP 8 1959
MR. DELOACH

cc. Mr. DeLoach

PAGE TWO

SUFFRAGE OF PUERTO RICAN AMERICAN CITIZENS IN NEW YORK, BASIS FOR EXCLUSION THERE BEING LACK OF LITERACY IN ENGLISH LANGUAGE REQUIRED BY NEW YORK CONSTITUTION SINCE LATTER MATTER NOW PENDING IN NEW YORK STATE COURTS. STOREY DID NOT COMMENT FURTHER ON THIS CASE. STOREY STATED CIVIL RIGHTS COMMISSION HAS NO ENFORCEMENT POWERS WHATSOEVER NOR IS IT AN ADJUNCT OF THE DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION AS MANY PEOPLE ERRONEOUSLY BELIEVE.

STATED THE COMMISSION HAS NO AUTHORITY TO COMPEL DESEGREGATION OF ANY SCHOOL SYSTEM OR TO ENFORCE INTEGRATION IN HOUSING. ITS SOLE RESPONSIBILITY IS TO DETERMINE FACTS IN MATTERS UNDER ITS JURISDICTION AND REPORT FINDINGS TO PRESIDENT AND CONGRESS. IN DISCUSSING OTHER TYPES OF INQUIRIES OF THE COMMISSION, STOREY STATED THAT TIME AND BUDGET LIMITATIONS COMPELLED LIMITING COMMISSION INQUIRIES TO AREAS OF PUBLIC EDUCATION AND HOUSING, ALTHOUGH AUTHORITY GRANTED COMMISSION BY CONGRESS WOULD PERMIT INQUIRIES INTO MANY ADDITIONAL SUBJECTS. STOREY ADVISED CIVIL RIGHTS' COMMISSION NOW HAS CREATED STATE ADVISORY COMMITTEES IN ALL STATES EXCEPT MISSISSIPPI AND SOUTH CAROLINA, PURPOSE BEING TO SEEK GRASS-ROOTS COUNSEL AND ADVICE. STOREY CONCLUDED HIS REMARKS BY INTRODUCING A DOCUMENTARY FILM DEALING WITH SOME

END PAGE TWO.

PAGE THREE

ASPECTS OF THE ALABAMA HEARING CONCERNING VOTING RIGHTS. STATED
FILM AND ITS PRODUCERS RECEIVED ROBERT SHERWOOD AWARD FOR
NINETEEN FIFTYEIGHT FOR EXCELLENCE IN TELECASTING.

AT HOUSE OF DELEGATES SESSION MORNING OF AUGUST
TWENTYSEVEN, THE HOUSE APPROVED A RESOLUTION OFFERED BY SECTION
OF CRIMINAL LAW WHEREIN ABA APPROVES AND RECOMMENDS PASSAGE BY
CONGRESS OF SENATE BILL TWO ONE ZERO SEVEN TO AMEND DEFINITION
SECTION OF ACT OF JANUARY TWO, NINETEEN FIFTYONE, PROHIBITING
THE TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE COMMERCE
AND FURTHER THAT THE CRIMINAL LAW SECTION IS AUTHORIZED ON
BEHALF OF ABA TO SUPPORT AND ADVOCATE THE PASSAGE BY CONGRESS
OF THIS BILL. THE REPORT ACCOMPANYING THE RESOLUTION STATES
THE BILL EXTENDS THE JOHNSON ACT TO DEVICES LIKE THE ~~QUOTE~~
"BINGO" ~~UNQUOTE~~ OR ~~QUOTE~~ "IN-LINE" ~~UNQUOTE~~ PINBALL MACHINES WITHIN
SCOPE OF GAMBLING DEVICES. REPORT REFERS TO LETTER OF ATTORNEY
GENERAL ROGERS DATED MAY TWENTYFIVE, NINETEEN FIFTYNINE, ^SASKING
VICE PRESIDENT AND SPEAKER OF HOUSE FOR LEGISLATION TO CLOSE
THIS LOOPHOLE WHICH WAS DEVELOPED BY THE MC CLELLAN COMMITTEE
HEARINGS.

AT THE AFTERNOON ASSEMBLY SESSION ELEVEN RESOLUTIONS
WERE CONSIDERED FOR POSSIBLE PRESENTATION TO THE HOUSE OF
END PAGE THREE

PAGE FOUR

DELEGATES AT ITS FINAL SESSION FRIDAY, AUGUST TWENTYEIGHT.

THE FOLLOWING ARE OF POSSIBLE INTEREST TO BUREAU FOR INFORMATION

PURPOSES. ONE RESOLUTION INTRODUCED BY [REDACTED]

[REDACTED] BALTIMORE, MD., RECOMMENDED A CONSTITUTIONAL AMENDMENT TO EFFECT THERE SHALL BE NO INTERFERENCE WITH OR LIMITATIONS IN ANY WAY UPON THE POWER OF ANY STATE TO REGULATE HEALTH, MORALS, EDUCATION, DOMESTIC RELATIONS, TRANSPORTATION WHOLLY WITHIN ITS BORDERS, ELECTIONS, EXCEPT AS PREVIDED IN SECTIONS TWO AND FOUR, ARTICLE ONE, OF THIS CONSTITUTION ~~PAREN~~(U. S. CONSTITUTION)~~UNPAREN~~ AND THE GOOD ORDER IN THE STATE, THE EXCLUSIVE JURISDICTION THEREOF IS RESERVED TO THE STATES WITHOUT LIMITING IN ANY WAY THE TENTH AMENDMENT. THE COMMITTEE ON RESOLUTIONS RECOMMENDED AGAINST THIS RESOLUTION BEING PASSED AND THE COMMITTEE-S RECOMMENDATION WAS ADOPTED BY THE ASSEMBLY. LATE EDITION OF MIAMI NEWS TODAY REFERRED TO THIS RESOLUTION AS QUOTE "HOT PROPOSAL" UNQUOTE AND CHARACTERIZED [REDACTED] AS ARDENT SEGREGATIONIST WHO DEFENDED THE CLINTON, TENNESSEE, CITIZENS TRIED WITH RACIST JOHN KASPER FOR INTERFERING WITH HIGH SCHOOL INTEGRATION. [REDACTED] MADE GENERAL SPECTACLE OF SELF IN ASSEMBLY SESSION BY PLEADING FOR FUTHER CONSIDERATION BY ASSEMBLY AFTER ASSEMBLY VOTED DOWN HIS

END PAGE FOUR

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PAGE FIVE

PROPOSAL. THE RESOLUTION SUBMITTED BY [] HAD TWO ADDITIONAL PARTS TO IT, THE SECOND PART TO THE EFFECT A STATE MAY REVOKE OR CHANGE ANY PROPOSED CONSTITUTIONAL AMENDMENT UNTIL FINAL ACTION HAS BEEN TAKEN ON IT AND THE THIRD PORTION THAT THE VARIOUS STATES MAY CONTEST THE VALIDITY OF ANY LAW OR TREATY MADE BY THE U. S. THE COMMITTEE ON RESOLUTIONS REFERRED ITEM NUMBER TWO TO COMMITTEES FOR FURTHER STUDY BUT INDICATED IT WAS NOT ACCEPTABLE. THE THIRD ITEM IN [] PROPOSAL WAS DEFEATED UPON THE RECOMMENDATION OF THE RESOLUTIONS COMMITTEE. ANOTHER RESOLUTION OFFERED BY [] WAS THAT THE U. S. CONSTITUTION BE AMENDED TO THE EFFECT THAT NO MEMBER OF THE U. S. SUPREME COURT SHALL BE ELIGIBLE AS A CANDIDATE FOR OR HOLD THE OFFICE OF PRESIDENT OR VICE PRESIDENT OR ANY CABINET OR AMBASSADORIAL OFFICE OR OTHER OFFICE OF EQUIVALENT RANK IN THE GOVERNMENT OF THE U. S. UNTIL AFTER EXPIRATION OF FIVE YEARS FROM THE DATE OF RESIGNATION OR PERMANENT RETIREMENT FROM SAID COURT. THIS RESOLUTION WAS DEFEATED UPON THE RECOMMENDATION OF THE RESOLUTIONS COMMITTEE. HE QUOTED IN SUPPORT OF THIS RESOLUTION, FROM THE FLOOR OF THE ASSEMBLY, THAT HE WAS SPECIFICALLY REFERRING TO CHIEF JUSTICE WARREN. IN EARLIER ACTION,

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END PAGE FIVE

PAGE SIX

THIS SESSION, THE HOUSE OF DELEGATES DISAPPROVED A RECOMMENDATION OF THE AMERICAN CITIZENSHIP COMMITTEE WHICH PROPOSED THAT ABA ACCEPT AN INVITATION FROM AMERICAN LEGION TO CREATE A JOINT COMMITTEE ON AMERICANISM AND COMMUNISM. BASIS FOR DEFEATING RECOMMENDATION WAS BECAUSE OF LONG-STANDING POLICY OF ABA NOT TO PARTICIPATE IN ANY COMMITTEES OR GROUPS OVER WHICH HOUSE OF DELEGATES HAS NO CONTROL.

FOR INFORMATION OF DIRECTOR, EDWARDS SPOKE WITH ATTORNEY GENERAL ROGERS WHO ADVISED HE WAS DEPARTING MIAMI FRIDAY, AUGUST TWENTYEIGHT, TO SPEND SOME TIME IN WEST PALM BEACH. ATTORNEY GENERAL INDICATED HIS ENTHUSIASTIC AGREEMENT WITH BUREAU MAINTAINING LIAISON WITH AMERICAN BAR ASSOCIATION ACTIVITIES AND WAS COMPLIMENTARY OF JOB BEING DONE, BASED ON HIS OBSERVATIONS AND INFORMATION COMING TO HIS ATTENTION.

HONORABLE GEOFFREY LAWRENCE, VICE CHAIRMAN OF THE GENERAL COUNCIL OF THE BAR OF ENGLAND AND WALES, IN ADDRESSING GENERAL ASSEMBLY, ABA, MADE COMPLIMENTARY REFERENCE TO ~~QUOTE~~ 'EFFICIENT FBI' ~~UNQUOTE~~. HE IS ONE OF SEVERAL PROMINENT REPRESENTATIVES OF ENGLISH BAR WHO ARE GUESTS OF THE ABA.

END PAGE SIX

PAGE SEVEN

ABA HOLDS FINAL SESSION OF EIGHTY SECOND ANNUAL MEETING
FRIDAY, AUGUST TWENTYEIGHT.

END AND ACK PLS

WA 12-25 AM OK FBI WA JHM

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SUMMARY REPORT ON SECURITY MATTERS
ACTED ON BY HOUSE OF DELEGATES
AMERICAN BAR ASSOCIATION
82ND ANNUAL MEETING
MIAMI, FLORIDA
AUGUST 25, 1959

The American Bar Association House of Delegates on Tuesday afternoon, August 25, 1959, acted upon reports submitted by the Committee on Communist Tactics, Strategy and Objectives, the Special Committee on Individual Rights as Affected by National Security, and the Committee on Bill of Rights. During the entire discussion and action on these three reports and during the proceedings of the American Bar Association to date, there has been no involvement, criticism of, or noteworthy reference to the FBI or the Director. Pertinent proceedings covering action and debate on these matters were attended by Bureau representatives.

As the Bureau was informed last week by Peter Campbell Brown, the Committee on Communist Tactics, Strategy and Objectives, of which he is chairman, was making no general report, but was limiting its report to one dealing with unsuccessful efforts made by his Committee to reach a joint agreement and joint report with the Special Committee on Individual Rights as Affected by National Security on the following two problems:

(1) The problem of permissible restrictions on the issuance of passports; and (2) The problem of governing the "nonsensitive" federal government positions under the present Employee Security Program.

Being unable to reach an agreement, each of these committees filed separate reports containing recommendations on the two problems. These were analyzed at the Bureau and summaries made for the Director last week. The Brown Committee recommendations are in line with the Bureau's interests and

94-1-369-1186
ENCLOSURE

thinking on the two problems. The two separate reports were filed before the House of Delegates August 25th, which voted to continue both Committees with special instructions that both Committees hold a joint meeting with a sub-committee of the ABA Board of Governors for the purpose of recommending a joint report to the meeting of the Board of Governors on October 29, 1959.

The third committee report of interest was the Committee on the Bill of Rights. Its chairman, [redacted] Newark, New Jersey, submitted a report without any resolutions or recommendations for action. This report makes a detailed analysis of the 24 decisions of the U. S. Supreme Court, which constituted the basis for the report and resolutions of Brown's Special Committee on Communist Tactics, Strategy and Objectives, approved by the House of Delegates at the mid-winter meeting, February 24, 1959, in Chicago. The Bill of Rights Report concludes with the following statement:

"The American Bar Association can perform its best service for the country if it encourages the appraisal of judicial determinations with the detachment, the cool-headed fairness, for which the lawyer is particularly well equipped.

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"In an effort to accomplish this end the Committee on the Bill of Rights has submitted the analysis of cases set forth in this report. On balances, this committee is unable to see any indication that the security of the nation or of the states has been impaired by the Supreme Court of the United States. The affectionate regard that the American people feel for their government is in no small measure due to the independence and integrity of the federal judiciary and particularly of the Supreme Court which heads it. In that loyal regard is the greatest source of our national safety."

[redacted] Committee member of Dallas, Texas, filed a dissent to this report contending that he could not agree with the majority conclusion that the decisions of the Supreme Court did not impair the national security. He stated

the dissenting opinions in some of the cases in question were clear warnings of such weakening; that he believes "Our national security is of such great importance and concern that when doubts or uncertainties arise that everything should give way to the national security, or else the Bill of Rights and all will be lost." [redacted] also criticized majority report as being in the nature of a "reply brief" to the House of Delegates action of February 24, 1959, and concluded that "The American Bar Association having spoken through the House of Delegates in the adoption of said resolution, I think it is not within the province of the Bill of Rights Committee to attack in this devious manner the action of the House of Delegates. The Committee Report calls for no affirmative action and will certainly tend to divide and reduce the influence of the American Bar Association."

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This report was the thorniest one discussed before the House of Delegates. The action taken by the House, after considerable heated discussion, was to accept the report but to have President Ross L. Malone specifically issue an explanatory statement in connection with the report's acceptance for filing, in order to clearly indicate that acceptance of the report for filing in no way expresses approval or disapproval of the substance of the report. The report contained no recommendations for consideration by the House of Delegates which, under its rules, acts only upon "resolutions which can be considered, debated and adopted or rejected." The statements in the report itself reflect only the views of the Committee members and not of the American Bar Association. Thus, the mere acceptance for filing of the report which takes issue with the earlier report of the Special Committee on Communist Tactics, Strategy and Objectives does not indicate any change in the position of the Association which was established by the resolutions adopted in February, 1959.

The Wednesday (August 26, 1959) local newspapers, however, headlined the action as repudiating the "High Court Slur," although the text of the news stories correctly summarizes the action as indicated above.

In the House of Delegates debate, [redacted] Los Angeles moved unsuccessfully for the House to table the report without even accepting it for filing. He commented,

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"The impression that a small group of men can overrule the stand this body took only six months ago is something we cannot afford." [redacted] Seattle, Washington, unsuccessfully moved to table the report and have it considered with the joint study on passport and employee security matters of Brown's Committee and the Special Committee on Individual Rights as Affected by National Security. The tenor of the substantial members of the House of Delegates favored no disturbance of the action taken in February. President Ross Malone took a position opposing the tabling of the report but for the technical reason that he felt tabling would be misconstrued as permitting the inference that the House of Delegates' action was, in fact, a criticism of the Supreme Court last February, whereas if the report were accepted for filing as was done the record would clearly show that the House of Delegates neither accepts nor rejects the opinions of members expressed in the body of the report but acts only on resolutions.

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In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Miami, Florida
August 26, 1959

Mr. Tolson
Mr. Belmont
Mr. DeLoach
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. W.C. Sullivan
Tele. Room
Mr. Holloman
Miss Gandy

J. Edgar Hoover
Director
Federal Bureau of Investigation
Washington, D. C.

Re: AMERICAN BAR ASSOCIATION
82nd Annual Meeting

Dear Mr. Hoover:

Attached is a detailed summary concerning pertinent items of interest on security matters which came before the House of Delegates at the current American Bar Association session up to this date. These details are for the purpose of supplementing the teletype summary submitted Wednesday, August 26, 1959.

All possible proceedings which might have been expected to give rise to items of direct or indirect reference to the Bureau were covered. It is a pleasure to report that no critical or in any way questionable references to the FBI or you came to the attention of any of the Bureau representatives. Contrary, there were numerous expressions of the greatest admiration and respect for you, the Bureau, and the Bureau's work. In fact, some observations were made by substantial members of the American Bar Association in attendance here which clearly indicated that, in their opinion, the Director was to be complimented on having enough concern to designate representatives to attend these deliberations, because it was a clear-cut indication of the fact that the Bureau is, as usual, maintaining a commendable

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SEP 11 1959

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EX-133

4 SEP 3 1959

CRIM

Re: American Bar Association

alertness to matters in the legal and law enforcement fields of such present-day interests as come before the American Bar Association.

Any noteworthy developments from now until our departure Friday, August 28th, following the termination of all proceedings here, will be promptly brought to your attention. Immediately on our return, a summary report of the entire meeting will be submitted.


Respectfully yours,



**H. L. EDWARDS
Inspector**

Enclosure

22-1-1

	
<div data-bbox="500 1222 716 1282" style="border: 1px solid black; height: 30px; width: 140px;"></div>	<div data-bbox="808 1252 1031 1302">10101 COLLINS AVENUE MIAMI BEACH, FLORIDA</div>
MANAGING DIRECTOR	


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ENCLOSURE

September 2, 1959

PERSONAL


The Bal Harbour Hotel
10101 Collins Avenue
Miami Beach, Florida

Dear 

Inspector H. L. Edwards has advised me of the outstanding assistance you rendered to Special Agent Herbert E. Hoxie and him during their attendance at the 82nd Annual Meeting of the American Bar Association last week. The special efforts which you personally extended in providing solutions to some of their problems helped immeasurably in facilitating their work and I did not want the occasion to pass without adding my personal note of appreciation to the thanks which they have already conveyed to you.

Should the occasion ever bring you to Washington, D. C., I hope you will find time to call at our headquarters where a special tour of our facilities will be arranged for you. I should also like the opportunity of shaking hands with you if I am in the office at the time.

Sincerely yours,

REC-10

J. Edgar Hoover

EX 105


MAILED 30

SEP 2 - 1959

COMM-FBI

1 - Miami

ENCLOSURE

NOTE: Bureau files are negative on  except that he was sent letter of appreciation on 11-5-51 by the Director for excellent arrangements made by him for the Annual Luncheon for FBI National Academy graduates at the Biscayne Terrace Hotel in Miami which he was then managing. See Edwards to DeLoach memo dated 9-1-59 captioned "American Bar Association, 82nd Annual Meeting, Miami Beach, Florida, 8-24/28/59." HLE:sak

53 SEP 10 1959
HLE:sak (4)

MAIL ROOM ☐ TELETYPE UNIT ☐

Tolson _____
Belmont _____
DeLoach _____
McGuire _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

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FBI
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FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 28 1959

TELETYPE

Mr. Tolson _____
Mr. Belmont _____
Mr. Mohr _____
Mr. Parsons _____
Mr. Rosen _____
Mr. Tamm _____
Mr. Trotter _____
Mr. W.C. Sullivan _____
Tele. Room _____
Mr. Holloman _____
Miss Gandy _____

URGENT 8/26/59 10-03 PM EST TOM

TO DIRECTOR FBI ATTN.. CRIME RECORDS DIVISION

FROM INSPECTOR H. L. EDWARDS VIA MIAMI FBI OFFICE

AMERICAN BAR ASSOCIATION, EIGHTYSECOND ANNUAL MEETING, MIAMI.

THIS IS SUMMARY OF PERTINENT ACTION TO DATE FOR INFORMATION OF

DIRECTOR. HOUSE OF DELEGATES COMPLETED ACTION ON SECURITY

REPORTS TUESDAY, AUGUST TWENTYFIVE. THERE WAS NO INVOLVEMENT,

CRITICISM OF OR NOTEWORTHY REFERENCE TO FBI OR DIRECTOR.

REPORTS OF PETER CAMPBELL BROWN-S SPECIAL COMMITTEE ON COMMUNIST

TACTICS, STRATEGY AND OBJECTIVES MERELY CONSISTED OF FILING

SPECIAL REPORT RECOMMENDING ACTION ON PROBLEMS OF PASSPORT

RESTRICTIONS AND GOVERNING NON-SENSITIVE FEDERAL POSITIONS

UNDER EMPLOYEE SECURITY PROGRAM. REPORT COMMENTED SPECIAL

COMMITTEE HAD BEEN UNABLE TO REACH JOINT AGREEMENT ON THESE PROBLEMS

WITH THE SPECIAL COMMITTEE ON INDIVIDUAL RIGHTS AS

AFFECTED BY NATIONAL SECURITY. LATTER COMMITTEE ALSO FILED

INDIVIDUAL REPORT THROUGH CHAIRMAN, [REDACTED]

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53 SEP 11 1959
END PAGE ONE...

MR. DELOACH

CRIME RECORDS
INDEXED
94-1-369-1188
17 SEP 9 1959

PAGE TWO...

WASHINGTON, D. C., MAKING OTHER RECOMMENDATIONS ON THESE TWO PROBLEMS. IN VIEW OF INABILITY OF THESE TWO SPECIAL COMMITTEES TO REACH JOINT AGREEMENT ON THESE TWO PROBLEMS, AS HAD BEEN REQUESTED BY HOUSE OF DELEGATES AT MID-WINTER MEETING IN CHICAGO, FEBRUARY TWENTYFOUR LAST, THE HOUSE OF DELEGATES AT CURRENT SESSION FILED BOTH COMMITTEE REPORTS BUT VOTED TO CONTINUE BOTH COMMITTEES WITH SPECIAL INSTRUCTIONS THEY HOLD JOINT MEETING WITH SUB-COMMITTEE OF THE AMERICAN BAR ASSOCIATION BOARD OF GOVERNORS FOR PURPOSE OF RECOMMENDING JOINT REPORT TO BOARD OF GOVERNORS MEETING SCHEDULED FOR OCTOBER TWENTYNINE NEXT. NO ACTION TAKEN ON COMMITTEE RECOMMENDATIONS BY HOUSE. DIRECTOR WILL RECALL THAT COPIES OF THESE TWO SPECIAL REPORTS WERE MADE AVAILABLE LAST WEEK BY BROWN AND ANALYZED BY BUREAU FOR INFORMATION PURPOSES ONLY, HOWEVER, ANALYSIS REFLECTED BROWN-S COMMITTEE RECOMMENDATIONS ARE CONSISTENT WITH GENERAL VIEWPOINT OF BUREAU. THE OTHER SECURITY COMMITTEE OF INTEREST WAS COMMITTEE ON THE BILL OF RIGHTS WHICH, THROUGH ITS CHAIRMAN, [REDACTED] OF NEWARK, N. J., SUBMITTED REPORT CONTAINING NO RESOLUTIONS OR RECOMMENDATIONS FOR ACTION. REPORT MAKES

END PAGE TWO

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PAGE THREE

DETAILED ANALYSIS OF TWENTYFOUR DECISIONS OF U. S. SUPREME COURT ON WHICH THE RESOLUTIONS OF BROWN-S COMMITTEE WERE BASED AT CHICAGO MID-WINTER MEETING LAST FEBURARY. THE BILL OF

RIGHTS REPORT CONCLUDES THAT THESE DECISIONS DO NOT INDICATE IMPAIRMENT OF NATIONAL OR STATE SECURITY AND, IN EFFECT, THE REPORT SEEKS TO GIVE VOTE OF CONFIDENCE TO SUPREME COURT. ONE COMMITTEE MEMBER, [REDACTED] OF DALLAS, TEXAS, FILED

DISSENT, STATING HE COULD NOT AGREE WITH MAJORITY CONCLUSION AND FELT ANY DOUBTS OR UNCERTAINTIES SHOULD BE RESOLVED IN FAVOR OF NATIONAL SECURITY. HE CONSIDERED ACTION OF BILL OF

RIGHTS COMMITTEE A DEVIOUS ATTACK ON PREVIOUS ACTION OF HOUSE OF DELEGATES AND FELT REPORT WOULD TEND TO DIVIDE AND REDUCE

INFLUENCE OF ABA. REPORT RESULTED IN HEATED DEBATE IN HOUSE OF DELEGATES WITH [REDACTED] TRYING TO HAVE

REPORT TABLED. FINAL ACTION TAKEN CONSISTED OF MERELY ACCEPTING REPORT FOR FILING WITH SPECIFIC STATEMENT BEING ISSUED BY

PRESIDENT ROSS L. MALONE EMPHASIZING THAT HOUSE OF DELEGATES ACTS ONLY ON RESOLUTIONS OR RECOMMENDATIONS AND SINCE REPORT CONTAINED NEITHER THE MERE FILING OF IT DOES NOT REPRESENT ANY

END PAGE THREE

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PAGE FOUR

EXPRESSION OF OPINION WHATEVER BY HOUSE OF DELEGATES CONCERNING CONTENTS, CONTENTS IN SUCH CASE BEING MERELY PERSONAL VIEWS OF COMMITTEE MEMBERS. LOCAL PAPERS HEADLINED ACTION AS REPUDIATING PREVIOUS CRITICISM OF SUPREME COURT BUT TEXT SHOWED THIS NOT SO. DETAILS FOLLOW BY AMSD LETTER. *Airmail Special Delivery*

L. B. NICHOLS DEPARTED CONVENTION TO RETURN TO OTHER BUSINESS NEW YORK TUESDAY, ~~INDICATING~~ INDICATING SATISFACTION THAT NO IMPAIRMENT OF WORK OF BROWN-S COMMITTEE IN FEBRUARY ACTION HAD OCCURRED AT CURRENT MEETING. OTHER ACTION OF INTEREST TO DATE INCLUDES FACT THAT NO REFERENCE WAS MADE CONCERNING NEWSWEEK ITEM WHICH GAVE RISE TO NEW YORK POST QUESTION CONCERNING DIRECTOR-S CURRENT ATTITUDE REGARDING SECURITY THREAT. ERLE STANLEY GARDNER SPOKE AT LUNCHEON MEETING TUESDAY, AUGUST TWENTYFIVE, BUT SAID NOTHING SIGNIFICANT. ALSO SPOKE BRIEFLY TO CRIMINAL LAW SECTION MEETING WEDNESDAY, AUGUST TWENTYSIXTH, SAYING NOTHING OF INTEREST. ATTORNEY GENERAL ROGERS ADDRESSED GENERAL ASSEMBLY WEDNESDAY MORNING, AUGUST TWENTYSIXTH, ON SUBJECT OF RESPONSIBILITIES OF LEGAL PROFESSION AND EMPHASIZED THE CONTINUING THREAT OF INTERNATIONAL COMMUNISM. URGED EXCHANGE OF LEGAL PROFESSIONAL AND JUDICIAL GROUPS BETWEEN OUR

END PAGE FOUR

PAGE FIVE

COUNTRY AND THOSE UNDER COMMUNISM AS PART OF ^RGERNEAL EFFORT
TO FURTHER THE ENLIGHTENMENT AND EDUCATION OF THE COMMUNISTS
TO DEMOCRATIC CONCEPTS. HE ALSO URGED FURTHERANCE OF WORLD
PEACE THROUGH LAW, ADVOCATING CERTAIN CHANGES IN UNITED STATES
POLICIES BEFORE INTERNATIONAL COURT. CRIMINAL LAW SECTION HELD
THREE INTERESTING PANEL SESSIONS ON CAPITAL PUNISHMENT, LABOR
RACKETEERING AND DISCUSSION OF MODERN ATTITUDES AND TRENDS IN
CRIMINAL FIELD. ASSISTANT ATTORNEY GENERAL OF CIVIL
DIVISION ADDRESSED THIRD PANEL SPEAKING LARGELY ON SENTENCING
PROCEDURES AND WORK OF U. S. COMMISSIONERS. NO PROBLEMS AROSE.
AT THESE SESSIONS OF INTEREST TO BUREAU. AT BUSINESS SESSION
OF CRIMINAL LAW SECTION WEDNESDAY, AUGUST TWENTYSIXTH, EDWARDS
ELECTED TO SECTION COUNCIL FOR ONE-YEAR TERM, FORMER SPECIAL
AGENT EVELLE YOUNGER, NOW SUPERIOR COURT JUDGE IN LOS ANGELES,
ELECTED ASSISTANT SECRETARY, MR. NICHOLS ELECTED COUNCIL MEMBER
FOR THREE-YEAR TERM, HIS TERM AS SECRETARY OF SECTION HAVING
EXPIRED THIS SESSION. EDWARDS AND HOXIE SCHEDULED TO RETURN
WASHINGTON FRIDAY, AUGUST TWENTYEIGHTH. ANY SIGNIFICANT
DEVELOPMENTS DURING REMAINDER OF SESSION WILL BE PROMPTLY
REPORTED AND DETAILED REPORT COVERING ENTIRE MEETING WILL BE
SUBMITTED FOLLOWING RETURN.

END

ACK PLS WA

11-22 PM OK FBI WA ELR

TU DISC

*What was his
name in Bureau*

cc: Mr. DeLoach

F

b6
b7c

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: September 3, 1959

FROM : C. D. DeLoach

SUBJECT:

AMERICAN BAR ASSOCIATION MEETING
JUNIOR BAR CONFERENCE PROGRAM SECTION
MEMPHIS, TENNESSEE
NOVEMBER 12 - 14, 1959

Tolson _____
Belmont _____
DeLoach _____
McGuire _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

For record purposes, SAC Holloman of the Memphis Office, at 4:45 p.m., 9-1-59, telephoned from Memphis and Wick talked with him. He said that [redacted] a Memphis attorney, is Program Chairman of the American Bar Association's Junior Bar Conference Program Section which is holding a regular meeting in Memphis on November 12 - 14, 1959. On the program will be one Linton Godown who is a self-styled handwriting expert who has, in the past, been hired by lawyers in connection with handwriting matters. He is somewhat of a phony but Holloman says he has nothing in the Memphis files of a truly derogatory nature on him. Bureau files reflect he is short on many of the qualifications needed in a good handwriting expert. [redacted] did invite Mr. Holloman to appear on the program.

Mr. Holloman said that in the event Godown gets off base, takes any pot shots at the FBI or may conceivably leave the wrong impression, it was his view to accept an invitation from [redacted] to appear on the program of the Junior Bar Conference Program Section meeting at which there will be about 100 members present. He would talk on general FBI activity and also show the film, "A Day With The FBI." Holloman's appearance would be for about 45 minutes.

ACTION TAKEN:

Wick told Holloman to go ahead, that this was a good idea and certainly he could inform [redacted] that Holloman would be glad to accept the invitation and speak as outlined above, ~~that~~ This is a very representative group since attorneys from Arkansas, Louisiana, Tennessee, Kentucky, Mississippi and Alabama will be in attendance, and the opportunity exists for some good missionary work.

- 1 - Mr. Tamm
- 1 - Mr. Parsons
- 1 - Mr. Holloman
- 1 - Mr. Jones

REW:sak
(6)

50 SEP 14 1959

1 auto copy
9-9-59

SEP 8 1959

UNRECORDED COPY FILED IN 94-1-369-1189

SAC, San Francisco

September 1, 1959

Director, FBI

K
MELVIN M. BELLI
ATTORNEY
SAN FRANCISCO, CALIFORNIA

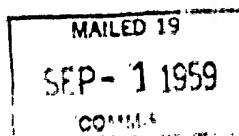
As you may be aware, Melvin M. Belli, a San Francisco trial attorney, introduced west coast mobster Mickey Cohen at a seminar on legal tactics during the American Bar Association convention recently concluded in Miami Beach, Florida. Cohen was introduced as "Professor O'Brien," an expert on tax evasion and other criminal cases. Belli and Cohen have regarded this incident as humorous, but, of course, this type of humor is in extremely poor taste.

Belli has an extremely questionable record, and your office should be alert for any violation of law by Belli coming to your attention.

1 - Mr. Belmont

NOTE: See Jones to DeLoach memo dated 9-1-59 captioned as above.

HEH:sfc
(7)



168
SEP 11 1959

94-1-569-
NOT RECORDED
117 SEP 8 1959

ORIGINAL FILED IN 100-47465-1

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach

DATE: September 1, 1959

FROM : H. L. Edwards *HL*SUBJECT: AMERICAN BAR ASSOCIATION (ABA)
82ND ANNUAL MEETING
MIAMI BEACH, FLORIDA
8/24-28/59

Tolson _____
 Belmont _____
 DeLoach _____
 McGuire _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Trotter _____
 W.C. Sullivan _____
 Tele. Room _____
 Holloman _____
 Gandy _____

ASSISTANCE RENDERED BY MIAMI OFFICE:

SAC Teague and four other employees of the Miami Office were of invaluable assistance to Hoxie and me during our coverage of the American Bar Association (ABA) meeting in Miami. A summary of their assistance is being reported here with the recommendation that letters of appreciation over the Director's signature be sent to them.

SAC Teague was able, through excellent contacts, to arrange for our accommodations at the hotel in which the Criminal Law Section sessions were held. This was a difficult task because the ABA had tied up most of the desirable hotel space far in advance and when the publicity was sent out encouraging members to make their reservations much of the desirable space had been spoken for. Being in the hotel where the sessions of particular interest to the Bureau were held was of great assistance in our liaison and coverage. Through his excellent acquaintance with the Managing Director of this hotel [redacted] (The Bal Harbour Hotel), Teague was able to have available for us a small room on the first floor which we could use for dictation, private discussions and the like.

Teague, aided by Special Agents Vincent K. Antle and Frank J. Smith of the Miami Office, rendered much assistance in covering some of the essential sessions where overlapping conflicts prevented Hoxie or me from covering them. All three were thoroughly briefed before hand, did an excellent job of coverage and reported their observations in excellent detail. Teague and Antle are both members of the ABA.

Teague also arranged for two experienced stenographers to be made available to us for dictation. These girls were [redacted] both outstanding stenographers completely experienced in Bureau policy and procedures. They took a great deal of dictation including two lengthy teletype summaries plus individual reports from all of us who were covering the sessions. They also handled the newspaper clipping. They volunteered a number of hours of overtime in order to be available for dictation after hours and to get out teletype summaries in the evening.

Enclosures *sent 9-2-59*

REC-40

94-1-369-1190
SEP 10 1959

- 1 - Personnel File of Lee O. Teague
- 1 - Personnel File of Vincent K. Antle
- 1 - Personnel File of Frank J. Smith
- 1 - Personnel File of [redacted]
- 1 - Personnel File of [redacted]

HLE:sak (8) *SLC*

(CONTINUED NEXT PAGE)

CRIME REC.

THREE

Edwards to DeLoach

Re: American Bar Association

82nd Annual Meeting, 8/24-28/59

Miami Beach, Florida

It was quite obvious that both SAC Teague and SA Antle are very well acquainted with key personnel on Miami Beach and SA Antle is particularly well known there in view of the fact that he handles much of the contact work on the Beach.

Hoxie and I both personally thanked Managing Director [] of The Bal Harbour Hotel. He is a great admirer of the Director and it is quite apparent that he would do anything in his power to help the Bureau.

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b7C

RECOMMENDATION:

That the attached letters of appreciation be sent to the five Bureau employees named herein plus []

✓

D

W. H. Edwards

OK

L

THE WASHINGTON POST

Bar Committee Report Defends High Court From ABA Critics

The American Bar Association's Bill of Rights Committee issued a report yesterday defending the Supreme Court from some of its ABA critics.

Last winter an ABA committee on communism issued a 10,000-word report analyzing 24 recent decisions that it said were "illustrative of how our security has been weakened."

The ABA's governing House of Delegates took no action on the report, but approved an accompanying list of resolutions urging Congress to tighten security laws in a way that would have reversed some Court decisions. This was widely regarded as an attack on the Court, though ABA denied it.

The Bill of Rights Committee said it had analyzed the same decisions — including those titled *Watkins*, *Cole*, *Nelson*, *Yates*, *Jencks* and *Koppsberg* — and "is unable to see any indication that the security of the Nation or of the states has been impaired."

Stand at Committee

The Committee said its report will be submitted to the ABA convention in Miami in two weeks, but that it will not ask the House of Delegates to reconsider its resolutions. The Committee said its report was prepared "for the information" of the House of Delegates "as an expression of the opinion of the Committee as distinguished from Association policy."

But the report carried an obvious slap at the committee on communism, and criticism of the House of Delegates action. It said:

"On balance, this Committee is unable to see any indication that the security of the Nation or of the states has been impaired by the Supreme Court of the United States."

No matter what the sympathies of the Bar may be in specific instances of litigation, there should be no question of their sympathy with and their enthusiastic regard for the institution of a courageous and independent judiciary even though this necessarily means that from time to time decisions will be handed down disappointing the interest of someone."

The Committee said it was not passing judgment on the correctness of the decisions, but was merely stating its opinion that they did not harm the national security.

It said several decisions construed laws rather than the Constitution, and that if Congress did not like those decisions it could change them. So far, Congress has legislated on only one decision — the *Jencks* decision on production of Government reports — and in that case made no substantial change in the Court's rule of procedure.

Signers of Report

The Bill of Rights Committee consists of seven members. Five were listed as signing the report. One dissented. Signers were Archibald M. Mull of Sacramento, Calif.; Prof. F. Hodge O'Neal of the Vanderbilt Law School, Nashville, Tenn.; Judge Reuben Oppenheimer of Baltimore; Prof. Arthur E. Sutherland of the Harvard Law School; and Reuben G. Thoreen of Stillwater, Minn.

Dissenting was J. Cleo Thompson of Dallas, Tex. He said some of the decisions had provoked strong dissents within the Court itself. He said he felt that when doubts arise in the field of national security, "everything should give way to the national security or else the Bill of Rights and all will be lost."

"Washington Post"

8/13/59

ENCLOSURE

44-1-369-1191

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach

DATE: August 14, 1959

FROM : M. A. Jones

SUBJECT: REPORT OF THE AMERICAN BAR ASSOCIATION'S BILL OF RIGHTS COMMITTEE DEFENDING THE SUPREME COURT

Tolson	_____
Belmont	_____
DeLoach	_____
McGuire	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
W.C. Sullivan	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

The Bill of Rights Committee of the American Bar Association (ABA) issued a report on August 12, 1959, stating that a study of recent U. S. Supreme Court decisions in security matters revealed no indication that the security of the nation or states had been impaired. The Committee said its report would be submitted to the ABA convention in Miami for "the information" of the ABA's governing House of Delegates.

Five members of the seven member committee signed the report; _____ of Sacramento, California; Professor _____ of the Vanderbilt Law School, Nashville, Tennessee; Judge Reuben Oppenheimer of Baltimore; Professor Arthur E. Sutherland of the Harvard Law-School, and Reuben G. Thoreen of Stillwater, Minnesota.

INFORMATION IN BUFILES

_____ The Bureau has not investigated _____ In March, 1950, he was president of the California State Bar and in that capacity invited the Director to be guest speaker at the annual convention of that bar association in October, 1950. This invitation was declined by the Director's letter of 3/16/50. (94-1-8325-22)

b6
b7c

The U. S. Embassy in Moscow, Russia, made available a report of visiting Americans in Russia who registered with the embassy in August, 1956. Among six attorneys whose itinerary included visiting Leningrad, July 26-29; Kiev, July 29-31 and Moscow, July 31-August 6, was one _____ Jr., of Sacramento, California, who was described only as an attorney at law. (100-351585-510)

JK:sad
(4)ENCLOSURE
(clipping)

REC-1

94-1-369-1191

12 SEP 11 1959

50 SEP 13 1959

File

It is interesting to note that the program for the 82nd Annual meeting of the ABA in Miami 8-24--28-59, states that the standing Committee on the Bill of Rights will hear an address by Robert G. Storey, former president of the ABA, at 3:15 p.m., Wednesday, 8/26/59. One of the six attorneys visiting Moscow with [] was Robert Gerald Storey, attorney at law, Dallas, Texas.

Professor [] We have not investigated [] One [] [] was reported to be a committee member of the Manhattan Chapter of the American First Committee in January, 1945. This [] was not further identified. The American First Committee was an organization formed during World War II advocating that the U. S. refrain from entering the armed conflict. Our investigation of the organization revealed that many members were pro-Nazi but [] was not described in this category. (100-50729)

In October, 1953, The Director was invited to attend the Annual Law Day at Mercer University, Macon, Georgia. The invitation was issued on behalf of Dean [] of Mercer University Law School (94-46100)

Reuben Oppenheimer: The FBI has never conducted an investigation of Reuben Oppenheimer. In January, 1950, the Assistant to the Attorney General advised the Director that among the U. S. delegates to the International Penal and Penitentiary Commission to be held at The Hague in August, 1950, was one Reuben Oppenheimer, Chairman and Director, Department of Correction, Baltimore 2, Maryland. On February 13, 1950, we advised the Department that our files contain no pertinent data relating to Oppenheimer. (94-1-2061-601)

The Baltimore, Maryland, "Morning Sun," of 9/12/56, reported that Reuben Oppenheimer of the Supreme Bench of Baltimore City was in favor of raising the level of juvenile court jurisdiction in Baltimore from 16 to 18 years of age. This statement was made during the Governor's Conference on juvenile delinquency held at the University of Maryland. (62-26225-23A)

Professor Arthur E. Sutherland: The Bureau has conducted no investigation of Sutherland. He was born at Rochester, New York, 2/9/02, and has been a professor of law at Harvard University since 1950.

In April, 1948, Sutherland was among 45 teachers who signed a letter criticizing the procedures of the HCUA. In February, 1953, he was head of a committee at Harvard University for advising faculty members subpoenaed by the HCUA. In May, 1953, Sutherland requested an FBI interview for clarification purposes of two faculty members scheduled for HCUA hearings which hearings were cancelled.

The Fund for the Republic distributed two reference works on communism in the United States entitled "Bibliography of the Communist Problem in the United States" and "Digest of the Public Record of Communism in the United States," in 1955, which books were compiled under the direction of Sutherland.

Our Boston Office has reported that we have had most cordial relations with Sutherland in connection with applicant type investigations. He requested some information from the FBI in March, 1954, in connection with a project which he stated he was doing for the Fund for the Republic. The Bureau decided data should not be given to Sutherland and when our policy regarding information in our files was explained to him he was extremely cordial and said he understood the Bureau's position. (100-391697-287)

~~Reuben G. Thoreen~~: Bufiles contain no reference to Thoreen. The "Martindale-Hubbell Law Directory" reveals that Reuben G. Thoreen was born in 1889, is a partner in the law firm, Thoreen, Thoreen and Lawson, in Stillwater, Minnesota.

RECOMMENDATION

For information.

2

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach *DL*

DATE: August 17, 1959

FROM : M. A. Jones *M. A. Jones*SUBJECT: REPORT OF THE AMERICAN BAR ASSOCIATION'S BILL OF RIGHTS COMMITTEE
DEFENDING THE SUPREME COURT

Tolson	_____
Belmont	_____
DeLoach	_____
McGuire	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
W.C. Sullivan	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

Re my memorandum of August 14, 1959, captioned as above setting forth information in Bufiles on five members of the Committee. The original of this memorandum is attached. *4-1-*

It is noted that the Bill of Rights Committee has seven members and you wanted information concerning the two other Committee members, one of which is [redacted] an attorney from Newark, New Jersey.

We have not investigated [redacted] The White House requested a name check on him in January, 1958, in connection with his consideration for appointment to the Annual Assay Commission. Biographical data submitted with this request indicated that he was graduated from Harvard Law School in 1929, and has practiced law in New Jersey since that time. We advised the White House by letter of 1/20/58, that our files contained no unfavorable information concerning him. (62-5-814)

[redacted] as Chairman of the New Jersey Law Enforcement Council, called the Bureau on 7/31/57, requesting written material which stressed cooperation of citizens with law enforcement agencies. This data was furnished [redacted] which he acknowledged by letter. The "New York Herald Tribune" of 12/19/57 quotes [redacted] as Chairman of the above Council, as stating that the Council had found evidence of a "mobster" link between "some local officials" in northern New Jersey and the Apalachin meeting of mobsters on 11/14/57. [redacted] made the statement at a press conference in an attempt to explain the need for continuing the New Jersey Law Enforcement Council. (62-98691)

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b7c

The name of [redacted] was given to you as the 7th member of the Committee. It is noted that the "American Bar Association Directory" for 1958-1959, lists [redacted] of Philadelphia, Pennsylvania, as Chairman of the Commerce Committee, and not a member of the Bill of Rights Committee. In any event our files contain no pertinent data regarding him. *JK*

Enclosures

JK:ph (5)

62 SEP 16 1959 *f/104*

REC-11

94-1-369-1192

12 SEP 11 1959

8 10
DMV file

Jones to DeLoach
August 18, 1959

According to the ABA Director, the 7th member of the Bill of Rights Committee is [redacted] of Dallas, Texas, who, it is noted in the attached clipping, dissented from the majority report of the Committee stating he felt that when doubts arise in the field of national security "everything should give way to the national security or else the Bill of Rights and all will be lost."

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b7C

Bufiles disclose that [redacted] was interviewed by Agents of our Dallas Office in 1941 and again in 1945 in connection with cases where he was counsel for an oil company. In both instances he was cooperative but the interviews as reported contained no further personal data regarding him. (58-1262-78; 49-9984-1)

RECOMMENDATION:

For Information.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach

DATE: September 9, 1959

FROM : H. L. Edwards *HL*

SUBJECT: AMERICAN BAR ASSOCIATION (ABA)
REGIONAL MEETING
MEMPHIS, NOVEMBER 12-14, 1959
CRIMINAL LAW SECTION

Tolson _____
 Belmont _____
 DeLoach _____
 McGuire _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Trotter _____
 W.C. Sullivan _____
 Tele. Room _____
 Holloman _____
 Gandy _____

Today, 9-9-59, Hoxie and I had lunch with Rufus King, Chairman of the Criminal Law Section of the American Bar Association (ABA). In discussing some of the plans for the forthcoming Regional Meeting in Memphis scheduled for November 12-14, 1959, King volunteered the statement that Mr. Nichols had just recently advised him he would not be able to appear as previously planned on the wire tapping panel which the Criminal Law Section has planned to put on as its part of the program at the Regional Meeting.

King indicated that the reason Mr. Nichols gave him was that this Regional Meeting conflicted with two Board meetings which Mr. Nichols had to handle in connection with his Schenley position. King indicated he had not given any further thought to the possibility of a substitute for Mr. Nichols.

In our recent memorandum summarizing the ABA Annual Meeting which we attended at Miami, reference was made to the fact that the Criminal Law Section had scheduled this wire tapping panel for the Regional Meeting. Today Rufus King threw some more light on how this came about. He indicated that he was "caught short" one day because [redacted] of Memphis had failed to provide for the Criminal Law Section part in the program. [redacted] until this year, was a member of the Council and is former chairman of the Criminal Law Section. However, [redacted] apparently took a trip abroad. King stated that because of the lack of adequate time he pulled out of his memory the fact that a number of years ago there had been a rather interesting demonstration on wire tapping put on by the Section in Chicago. He thought it would be well to attempt the same sort of thing particularly in view of the fact that Sam Dash's book on wire tapping is scheduled to be published soon. Dash is supposed to head up the demonstration of various wire tapping devices. [redacted] of Tuscaloosa, Alabama, (who figured in the Army-McCarthy hearings) is supposed to be the panelist who will take the position against wire tapping. Mr. Nichols had apparently told King he would take the position in justification of wire tapping in those instances where it is believed essential to law enforcement.

- 1 - Mr. Belmont
- 1 - Mr. Rosen
- 1 - Mr. Parsons
- 1 - Mr. Jones

67 SEP 16 1959
 HLE:sak (7)

EX-124

REC-37

24-SEP 15 1959

File

(8) HEN

Edwards to DeLoach
RE: American Bar Association
Regional Meeting
Memphis, November 12-14, 1959

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b7c

The name of ^{Tenn.} (Attorney General of New Hampshire) came up as a possible substitute for Mr. Nichols. King conceded he would be an excellent choice but doubted whether he would invite him because the Section would have to subsidize his expenses and they are already committed to paying Dash's expenses.

Another lame excuse. H

Should any further developments on this matter come to our attention they will be promptly reported. King appears to have set this thing up in his capacity as Chairman of the Section pretty much on his own. However, he has indicated a complete willingness to cut us in on any developments and in fact he indicated at one point that he would be glad to have the Bureau informally indicate its objection to public presentation of any specific device. It would appear at this point that the Bureau's best interest would be served by refraining from any involvement in this program. Unless advised to the contrary this is the course of action which will be followed.

In the previous memorandum reporting the fact that the Regional Meeting was scheduled, a recommendation was made for the Bureau representatives to attend the Regional Meeting for the purpose of continuing the valuable liaison with the ABA and maintaining an alertness in matters of Bureau interest.

*Right. King certainly
is no bargain.*

H

Section of International and Comparative Law
American Bar Association

The following resolutions are submitted with respect to events in Tibet.

RESOLVED, that the American Bar Association condemns the violations in Tibet of fundamental human rights by the Government of the People's Republic of China as being repugnant to the basic principles of the Rule of Law recognized by civilized countries; and further,

RESOLVED, that the American Bar Association calls upon the United States Permanent Mission to the United Nations to request an investigation by the United Nations of said acts.

SPONSORS:

Homer G. Angelo, San Francisco, Calif.
Dudley B. Bonsal, N. Y., N. Y.
Florence M. Kelley, N. Y., N. Y.
Whitney North Seymour, N. Y., N. Y.
Benjamin R. Shute, N. Y., N. Y.
Charles S. Rhyne, Wash., D. C.
Herbert Brownell, Jr., N. Y., N. Y.
Robinson Verrill, Portland, Me.
Victor C. Folsom, N. Y., N. Y.

ENCLOSURE

1194

RESOLUTION INTRODUCED BY
SIDNEY Z. SEARLES OF NEW YORK

WHEREAS, the Association seeks the improvement of the administration of justice, which is an important facet of our activities, and

WHEREAS, the power of Eminent Domain is being increasingly exercised by municipal, state, and city authorities for urban renewal, slum clearance, federal highway program, and other public projects, and

WHEREAS, small business and tenants of business properties have been denied compensation for losses incurred by reason of condemnation, such as costs of relocation, reestablishment, interruption of business, and destruction of their businesses,

NOW, THEREFORE, this Association recommends appropriate legislation to compensate small business, for losses sustained.

RESOLUTION INTRODUCED BY
SIDNEY Z. SEARLES OF NEW YORK

WHEREAS, American Law is deeply rooted in the English Common Law, now

BE IT RESOLVED, that this Association recommends appropriate legislation sponsoring exchange programs for lawyers so as to give our bar practical knowledge as to the operation of the English legal system.

RESOLUTION INTRODUCED BY
SIDNEY Z. SEARLES OF NEW YORK

WHEREAS, in condemnation proceedings, a view is authorized in practically all jurisdictions resulting in a much narrower scope of appellate review, and

WHEREAS, views of properties condemned have been held by courts in the presence of the attorneys for the public authority only,

BE IT RESOLVED, that this Association recommends that views of property condemned should be held by the Court in the presence of both the attorney for the public authority and claimant's attorney, with the right by counsel for the respective parties to make observations and express opinions.

RESOLUTION INTRODUCED BY
SIDNEY Z. SEARLES OF NEW YORK

WHEREAS, the field of eminent domain has increased to vast proportions in the last ten years, and

WHEREAS, public authorities have engaged in negotiations, through real estate brokers and independent adjusters, to settle fee claims without attorneys, it is

RESOLVED , that the Association condemn this practice and institute such procedure to the end that negotiations between a public authority's real estate representative and those of a fee owner, should be conducted only through attorneys.

RESOLUTION INTRODUCED BY
SIDNEY Z. SEARLES OF NEW YORK ✓

WHEREAS, the purpose of the Association is to serve the Legal Profession, and

WHEREAS, lawyers entering the Armed Forces have not been granted Commissions and those benefits enjoyed by the Medical or Dental Professions, and

WHEREAS, the lawyer can make important contributions in the field of administration,

NOW, THEREFORE, BE IT RESOLVED, that the Association, in convention assembled, recommend that appropriate legislation be had so as to provide that direct commissions be given in the Armed Forces to those men and women who have been duly admitted to the Bar of their respective States and entering the Armed Forces of the United States.

American
RESOLUTION ^{to} of the ~~Maryland~~ Bar Association

PROPOSING AN AMENDMENT TO THE FEDERAL CONSTITUTION TO PREVENT THE MEMBERS OF THE SUPREME COURT FROM BEING PRESIDENTIAL OR VICE-PRESIDENTIAL CANDIDATES OR FROM HOLDING SUCH OFFICE, OR ANY OFFICE OF CABINET OR AMBASSADORIAL RANK, EXCEPT UPON THE EXPIRATION OF FIVE YEARS FROM THE DATE OF RESIGNATION OR RETIREMENT FROM SAID COURT.

RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (two thirds of each House concurring therein), That the following amendment of the Constitution be, and hereby is, proposed to the states, to become valid as a part of said Constitution when ratified by the legislatures of the several states as provided by the Constitution:

"Article _____

"Section 1. No member of the Supreme Court shall be eligible to be a candidate for, or hold the office of, President or Vice-President, or any cabinet or ambassadorial office, or other office of equivalent rank under the Government of the United States until after the expiration of five years from the date of resignation or permanent retirement from said Court."

Presented by Geo. Washington Williams,
231 St. Paul Place,
Baltimore 2, Md.

RESOLUTION SUBMITTED TO THE AMERICAN BAR ASSOCIATION IN
CONVENTION AT MIAMI AT BAL HARBOR/MIAMI BEACH, FLORIDA,
AUGUST 23rd 1959.

by

DOROTHY PROOKS

Counselor at Law

237 Madison Avenue

New York City and Westchester County, NY.

MU 4-6728

Lakeland 8-5350

WHEREAS, CANON 33, Canons of Professional Ethics, American Bar
Association, is self-contradictory in these two clauses of said
canon:

- (1) In the formation of partnerships for the practice
of law, no person should be admitted or held out
as a practitioner or member who is not a member of
the legal profession, duly authorized to practice,
and amenable to professional discipline...
- (2) The continued use of the name of a deceased or
former partner, when permissible by local custom,
is not unethical, but care should be taken that no
imposition or deception is practiced through this
use."

Whereas, the American Bar Association regards the legal profession
as an individual service and not to be commercialized, and
WHEREAS, deceased persons who were prominent in their life-time
are still practicing law although not amenable to professional
discipline, and

WHEREAS, the continued use of a name of a deceased or former
partner is an obvious endeavor to procure professional employ-
ment by direct or indirect advertising, the solicitation of
law business being denounced by Canon 27,

BE IT RESOLVED that we change the second quoted clause (2)
to read as follows:

"The use of the name of a deceased or former partner
as part of the firm name, on its letterheads, cards,
signs, or otherwise, is unethical."

Respectfully submitted,



The following resolution was introduced in the Assembly
by Henry Perlman, Chicago, Illinois:

"RESOLVED that (1) the American Bar Association considers arrest and detention and traffic law enforcement an integral part of traffic court up-grading, and (2) that in all cases of known violation of this principal that the American Bar Association appoint commissioners to investigate and report such conditions."

RESOLUTION

Notice is hereby given that Edward S. Blackstone of New York, New York, a member of the Association, proposes the following Resolution to be adopted at the Convention Meeting in Miami Beach, Florida.

WHEREAS, it appears that an association not composed of members of the bar of any state have formed an association known as and by the name of the "American Society of Real Estate Counsellors", and

WHEREAS, it does appear, according to an article appearing in the New York World-Telegram under date of August 11, 1959, that the "American Society of Real Estate Counsellors" does hereby offer, give, and pledges to study real estate problems on a professional basis and to act as advisors, and

WHEREAS, it is claimed that such advice will be coordinate but distinct from legal, architectural, engineering, or tax services, and

WHEREAS, it is believed that the word "counsellor" is apt to cause conflict in the mind of the general public,

NOW, THEREFORE, it is resolved that this Resolution and the conditions thereof be referred to the appropriate committee as the President of the Association shall direct to examine (1) the functions of the "American Society of Real Estate Counsellors" and to inquire whether or not the use of the word "counsellor" conflicts with the functions of the lawyers or members of the bar in the various states in the United States of America, and (2) report back to the House of Delegates and the Assembly of the American Bar Association Meeting in Washington, D. C., August 29—September 2, 1960, of its reports and findings.

Seconded by

Edward R. Finch, Jr., of New York

The following resolution was introduced in the Assembly
by C. H. Morris, Wichita, Kansas:

"Whereas, the controversey between News-Media -- the Bar and the Judiciary, concerning the proposed revision of Judicial Canon 35, of the American Bar Association, has pointed up a need for the mutual open discussion and study of problems and areas of irritation between News-Media -- the Bar and the Judiciary; and Whereas, the ABA nine member Canon 35 Study Committee is limited to the study of courtroom photography and decorum, which is only one of facets of inter-professional News-Media - Bar - Judiciary relations.

Therefore, Be It Resolved, that the American Bar Association go on record, in cooperation with recognized National News-Media, Bar and Judiciary Associations, for the establishment of a "Standing National Bar-Judiciary-News-Media Inter-Professional Committee, to which committee members from the respective Associations of the Bar, Judiciary, and News-Media (including Photo Journalism, Radio, Television and Newspapers) be appointed from their respective associations.

That the general purpose of said National Standing Committee be to act as a clearing-house for mutual inter-professional problems and irritations; promoting and carrying on a mutual as well as an individual professional program of continuing education and self improvement, all to the avowed purpose of improving our respective professions and for the accomplishment of better "Public Service and Results" to the public we jointly serve."



Daily Bulletin

TODAY IN BRIEF

WEDNESDAY, AUG. 26, 1959

- 8:00 A.M.: American Judicature Society, Breakfast, Gaucha Room, Americana.
- 8:00 A.M.: Iota Tau Tau International Legal Sorority, Breakfast, Charlemagne Room, Deauville.
- 8:00 A.M.: Joint Committee on Continuing Legal Education of American Law Institute and American Bar Association, with the Committee on Continuing Legal Education of Florida State Bar, Breakfast Meeting, Fan Tan Room, Singapore.
- 8:00 A.M.: Phi Delta Delta Legal Fraternity (International), 30th Annual Breakfast, Bal Masque Room, Americana.
- 8:00 A.M.: Section of Mineral and Natural Resources Law, Breakfast Meeting, Malayan Room, Singapore.
- 8:00 A.M.: Section of Public Utility Law, Council Breakfast Meeting TV Room, Shamrock Isle.
- 8:30 A.M.: Section of Family Law, Council Breakfast Meeting, Card Room, Sea View.
- 9:00 A.M.: All day tour to Everglades National Park, and regularly scheduled sightseeing tours.
- 9:00 A.M.: American Law Student Association, House of Delegates Session, Siom Ballroom, Carillon.
- 10:00 A.M.: The Assembly of the American Bar Association (Second Session), International Room, Americana.
- 10:00 A.M.: Water Cruise South Biscayne Bay—Miami River to Parrot Paradise—three hours.
- 12:00 Noon: Section of Insurance, Negligence and Compensation Law, Section Luncheon, Casanova Room, Deauville.
- 12:00 Noon: Section of Real Property, Probate and Trust Law, Meeting of Council, Chairman's Suite, Americana.
- 12:00 Noon: Harvard Law School Association, Luncheon, Bal Masque and Medallion Rooms, Americana.
- 12:30 P.M.: American Law Student Association, ALSA 10th Anniversary Luncheon, Silver Chimes Room (West), Carillon.
- 12:30 P.M.: Chicago-Kent College of Law Alumni, Luncheon, Tour d'Argent Room, Beau Rivage.
- 12:30 P.M.: University of Chicago Law School Alumni, Luncheon, Tambourine Room (East), Carillon.
- 12:30 P.M.: Columbia Law School Alumni Association, Luncheon, Embassy Room, Balmoral.
- 12:30 P.M.: Emory University Law School Alumni Association, Luncheon, Colony Room, Shamrock Isle.
- 12:30 P.M.: The George Washington Law Association, Luncheon, Heather Room, Balmoral.
- 12:30 P.M.: University of Michigan Law Alumni, Gaucha Room, Americana.
- 12:30 P.M.: Montana State University Law Association, Luncheon, Card Room, Kenilworth.

(Continued on Page 4)

The Main Event

U.S. Attorney General William P. Rogers and Sir Sydney Littlewood, president of the London Law Society, will address the ABA Assembly this morning at 10 in the International Room of the Americana Hotel.

ABA Delegates Accept Bill of Rights Report

The House of Delegates of the American Bar Association Tuesday accepted a report of its Bill of Rights Committee that concludes decisions of the U.S. Supreme Court in the national security cases did not imperil the nation's safety.

Submitting an analysis of the 24 cases, the Rights Committee under the chairmanship of Joseph Harrison said it was "unable to see any indication that the security of the nation or of the states has been impaired by the Supreme Court of the United States. The affectionate regard that the American people feel for their government is in no small measure due to the independence and integrity of the federal judiciary and particularly the Supreme Court which heads it. In that loyal regard is the greatest source of our national safety."

The issue was a sharp one because of the report filed earlier this year by the ABA's Special Committee on Communist Tactics, Strategy and Objectives. The report called for strengthening of the laws where national security is involved.

Because of this situation, ABA President Ross L. Malone was directed by the House to issue an explanatory statement, which is printed in the adjoining column.

The report of the Rights Committee was not unanimous. In his dissent, J. Cleo Thompson wrote, "I, for one, believe that our national security is of such great importance and concern that when doubts or uncertainties arise, that everything should give way to the national security, or else the Bill of Rights and all will be lost. The American Bar Association having spoken through the House of Delegates in the adoption of said resolution (the February report of the Communists Tactics Committee), I think it is not within the province of the Bill of Rights Committee to attack in this devious manner the action of the House of Delegates. The committee report calls for no affirmative action and

(Continued on Page 2)



ADDRESS will be given by Supreme Court Justice Tom Clark this afternoon at 3 when the International Room of the Americana Hotel becomes a Federal Court for naturalization proceedings. Eighty persons will take the oath of citizenship.

Statement By Malone

This is the statement released Tuesday afternoon by ABA President Ross Malone in connection with the action on the report of the Bill of Rights Committee:

The House of Delegates directed that the President of the American Bar Association issue an explanatory statement in connection with the ac-

(Continued on Page 2)

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DAILY BULLETIN

Published by the American Bar Association and distributed as a courtesy by the Dade County Bar Association's Host Committee for the 1959 annual ABA meeting.

RICHARD P. TINKHAM

Chairman, ABA Committee on Public Relations

WILLIAM P. SIMMONS, JR.

General Chairman, Dade County Bar Association, Host Committee

THOMAS McE. JOHNSTON

Co-Chairman

EDITOR

Frederic Sherman

STAFF

Marvin Gillman Lawrence Shongut

The Poor Man Goes to Court

The English legal aid system is so efficient that the large British corporations are complaining that the poor man now fights his cases rather than settling out of court, Sir Sydney Littlewood, president of the London Law Society, said Tuesday at a joint luncheon of the National Legal Aid and Defender Association and Judicial Administration Section at the Americana.



SIR SYDNEY

Each person pays according to his means in the British system, enabling everybody to hire attorneys when legal problems arise, Sir Sidney explained. He said that fees are established jointly by the Bar and the Law Society and that any deficits are made up by the government.

Whitney North Seymour, the ABA president-elect, spoke on the "Need for Legal Aid on the Criminal Side of the Bar." The varied legal aid systems existing in the United States, voluntary and rotational, are still inadequate unless they provide for investigative work to combat the state's case, Mr. Seymour declared.

Permanent legal aid and referral systems must be established in all cities in the United States as soon as possible so that all our citizens will have equal access to justice, he said.

House Accepts Bill of Rights...

(Continued from Page 1)

will certainly tend to divide and reduce the influence of the American Bar Association."

In its commentary and conclusions, the Rights Committee said, "No matter what the sympathies of members of the Bar may be in specific instances of litigation, there should be no question of their sympathies with and their enthusiastic support for the institution of

Malone Statement

(Continued from Page 1)

ceptance for filing today of the report of the Association's Standing Committee on the Bill of Rights.

This statement was deemed necessary because the conclusions reached by the Committee on the Bill of Rights, as to certain Supreme Court decisions, differ with those reached by the Special Committee on Communist Tactics, Strategy and Objectives in a report filed with the House of Delegates at its February meeting. At that time, the House of Delegates adopted recommendations of this Committee for legislation, designed to strengthen the internal security of the nation.

The motion adopted by the House today expressly recites that "the acceptance of the report of the Committee on the Bill of Rights for filing in no way expresses approval or disapproval of the substance" of the report. The report contained no recommendations for consideration by the House of Delegates.

Under the rules of the House of Delegates, the House acts only upon resolutions which can be considered, debated and adopted or rejected. Only resolutions so adopted constitute the policy and position of the American Bar Association. The House takes no action approving or disapproving the contents of committee reports filed with it, whether or not they accompany proposed resolutions. The statements in all reports reflect only the views of the committee members, and not of the American Bar Association.

Thus the fact that the House today accepted for filing a report from its Standing Committee on the Bill of Rights, which takes issue with the earlier report of the Special Committee on Communist Tactics, Strategy and Objectives, does not indicate any change in the position of the Association which was established by the resolutions adopted in February. Today's House action did not in any way recede from, or modify, that position.

a courageous and independent judiciary, even though this necessarily means that from time to time decisions will be handed down disappointing to the interest of someone."

Earlier Tuesday, the House accepted a report of its Committee on Federal Judiciary that calls on the U.S. Senate to act upon and confirm the 20 nominations President Eisenhower has made to fill vacancies in the U.S. Court of Appeals and District Courts. The report cited critical conditions of court congestion and the burdens on judges now serving. Prompt action on the nominations is in the interest of litigants and sound administration of justice, the committee declared.

Dean Defends Student Jobs

"The door to the legal profession should not be closed against the student who has to be self-supporting," stated the Rev. Joseph T. Tinnelly, C.M., Dean of St. John's University School of Law, Tuesday before the joint session of the Section of Legal Education and Admissions to the Bar and National Conference of Bar Examiners.

"Just as the study of law on a part-time basis is compatible with full-time employment, so is the study of law on a full-time basis compatible with part-time employment," he said. The Rev. Tinnelly declared that law school classes should not be scheduled, nor any other activity of law school arranged, so as to purposely limit employment opportunities for students.

Employee Activity In Politics Urged

Increased political activity by corporate employees was stressed by Laurence T. Wood, General Electric Co.'s labor and government relations counsel, Tuesday before the Committee on Corporate Law Departments.

As corporate employees are legally free to engage to any extent in any sort of political activity so long as it is not done on company time or at company expense, Mr. Wood suggested that corporations whose political action is restricted should encourage this participation.

Section and Conference Notes

Hot Words Fly In Debate Over Labor Reforms

There must be strict enforcement of criminal law so that the public—both workers and management—will be protected from the racketeering of labor hoodlums, Erwin D. Canham, president of the U.S. Chamber of Commerce, said Tuesday morning at a meeting of the ABA's Criminal Law Section at the Bal Harbour Hotel.

A top union official countered with the proposal that Congress look into the expense accounts of business leaders. Morris Glushien, general counsel for the International Garment Workers, said organized labor wants to get the hoodlums out of unions just as much as Congress and the public does. But Mr. Glushien declared that the legislation now before Congress would hamstring labor in the use of picket lines and the secondary boycott.

Mr. Canham argued that "loopholes in the law should be slammed shut and padlocked" because stiff legal curbs are the only way to stop gangsters from lining their pockets through union business. And the Chamber president declared, "There is no place in modern society for the jungle-like use of the picket line to force an employer to coerce his workers into joining a union."

Mr. Glushien, filling in at the panel for Arthur Goldberg, the AFL-CIO counsel who was tied down by the steel strike negotiations, said the proposed labor bill is vindictive and a hodge-podge. "Throwing out the picket line because a racketeer abuses it would be like throwing out the baby instead of the water after the bath," Mr. Glushien said.

Third member of the panel was Prof. Paul Hayes of Columbia who said too many local and state attorneys seem afraid to prosecute a union or labor hoodlum under what is often adequate legislation. "In the light of this fear," he said, "perhaps federal legislation to do the job would be advisable."

Public Utility Law

Nelson Lee Smith, vice president of American Airlines, was a speaker at the Tuesday meeting of the Public Utility Section.

Around the World in 80 Minutes Predicts Our Space Age General

"The nation that first achieves the ability to maneuver, to communicate and carry out military missions in and from space will enjoy a strategic advantage that could be decisive if not effectively countered."

That was the warning Tuesday afternoon from Lt. Gen. Bernard Schriever in an address before the Section of Corporation, Banking and Business Law at the Balmoral Hotel.

The commander of air research and development for the Air Force discussed military space projects still in the theoretical study phase and manned gliders boosted out of the earth's atmosphere by ICBM rocket engines.

The entry and re-entry of the earth's orbit at will would allow civilians to travel around the world in 80 minutes, the general declared.

The natural genius of our people in science and humanities must play their proper role in building the kind of free society that can survive and flourish in today's dangerous but challenging world, Gen. Schriever concluded.

Dr. Homer J. Stewart, Director of the Office of Program Planning and Evaluation of the National Aeronautics and Space Administration, discussed "The Impact of Space Activities On Our General Economy."

An essential factor in our willingness to add Hawaii and Alaska as states can be attributed to our communication growth beyond the continental limits of the U.S. in this jet and space age, Dr. Stewart said.



GEN. SCHRIEVER

Lawyers' Wives Form Conference

The National Conference of Lawyers' Wives, open to wives of ABA members, was organized Tuesday afternoon at a meeting in the Americana Hotel. Presiding as temporary chairman was Mrs. Richard P. Tinkham of Hammond, Ind.

Named chairman of the group was Mrs. Glenn Jack of Oregon City, Ore. Other new officers are Mrs. Robert Storey, Jr., of Dallas, Texas, vice-chairman; Mrs. Stanley L. Brown of Manchester, N.H., recording secretary; Mrs. Bryce Fisher of Cedar Rapids, Iowa, corresponding secretary; Mrs. William Farrer of Los Angeles, treasurer.

Mrs. T. Linus Hoban of Scranton, Pa., was chairman of the nominating committee. By-laws were presented by Mrs. Charles L. Goldberg of Milwaukee.

Mrs. Jack asked the organization committee to continue in office. They are: Mesdames Stanley L. Brown, T. Linus Hoban, Loudon Jackson, Ben Miller, Gilbert Otto, Charles L. Goldberg, Harry Gershenson, Kenneth McGilvray and Ira Huggins.

Judicature Society

Sir George Phillips Coldstream, K.C.B., Permanent Secretary and Clerk of Crown, Lord Chancellor's Office, London, will be the featured speaker today at the annual breakfast meeting of the American Judicature Society at 8 a.m. in the Gaucho Room of the Americana. Sir George will speak on "Judicial Appointments in England." Committee reports and election of directors and officers are on the business agenda.

No Political Anchor

The absence of partisan politics in the activities of the New York Port Authority was praised Tuesday by Sidney Goldstein, General Counsel of the Port of New York Authority. "If it were otherwise, it could not long endure as a useful interstate mechanism," he told a morning session of the Municipal Law Section at the Beau Rivage Hotel.

Saulnier Calls For Realistic Interest Rates

A vigorous defense of the Administration's fight against inflation was made Tuesday by Raymond Saulnier, chairman of the President's Council of Economic Advisors.

Speaking to a luncheon of the Corporation, Banking and Law Section at the Balmoral Hotel, Mr. Saulnier warned that increasing prices will produce a clamor for direct government controls. And these, he said, would damage our economy without reducing the inflationary pressures causing all the trouble.

Mr. Saulnier called for a change in the law on interest rates so that Government can compete in the capital markets with other borrowers. "We must avoid like the plague the pseudo-remedy of seeking to lower interest rates by permitting the inflationary expansion of credit. The problem can not be solved by substituting more money and credit for an increased supply of real savings," he argued.



SAULNIER

Family Law

"The Armed Services and Family Law" will be the subject of an address by Captain William C. Mott, Deputy and Assistant Judge Advocate General of the U. S. Navy, at the Family Law Section luncheon today at 12:30 in the Palladio Room of the Sea View Hotel. "Juvenile Court Problems and Procedures" and "Support and Education of Illegitimates" will be the subjects for discussion when the section's general sessions meet today at 2 P.M. in the Florida Room of the Sea View.

Film on Pathology

The premiere showing of a film on "Forensic Pathology" will be viewed by the Criminal Law Section at 2 p.m. today in the Bal Harbour Hotel. The film is part of a medicological series dealing with medicine and the law sponsored by the William S. Merrill Co. and produced in cooperation with the AMA and the ABA.

Resolution Submitted for Action

The following resolution has been presented to the Committee on Resolutions for consideration of the American Bar Association Assembly at the 82nd Meeting. The committee, under the chairmanship of James L. Shepherd, Jr., of Houston, Texas, will make its recommendation on this resolution to the Assembly Thursday.

PRESENTED BY
GEO. WASHINGTON WILLIAMS
OF BALTIMORE, MD.

Proposing an amendment of the Constitution of the United States to prevent interference with, and to eliminate limitations upon, the power of the States to regulate health, morals, education, domestic relations, transportation wholly within their borders, the election laws, with the limitations contained in this proposed Amendment, and good order therein, to authorize the various States to change any action taken in respect to the proposed ratification of amendments thereto, until final action has been taken thereon, and to authorize the various States to contest the validity of any law or treaty made, or which shall be made by or under the authority of the United States or this Constitution, and the validity of the adoption or ratification of any amendment thereto, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an Amendment to the Constitution of the United States, and shall be valid to all interests and proposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States:

ARTICLE.....

SECTION 1. There shall be no interference with or limitation in any way upon the power of any State to regulate health, morals, education, domestic relations, transportation wholly within its borders, elections, except as provided in Sections 2 and 4, Article I, of this Constitution, and the good order in the State, and exclusive jurisdiction thereof is reserved to the States, without limiting in any way the Tenth Amendment.

SECTION 2. The various States may revoke or otherwise change any action that may be taken in respect to the proposal or ratification of amendments to this Constitution, until final action has been legally taken thereon, and the legal promulgation thereof made.

SECTION 3. The various States may contest the validity of any law or treaty made, or which shall be made and the validity of the proposal or ratification of any amendment thereto, and any action in connection with the adoption thereof, and any other act done by the United States, or other the authority of this Constitution.

SECTION 4. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislature of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

TODAY IN BRIEF

(Continued from Page 1)

- 12:30 P.M.: Northwestern University School of Law Alumni Association, Luncheon, Pan American Room, Americana.
- 12:30 P.M.: Notre Dame Law Association, Luncheon, Card Room, Beau Rivage.
- 12:30 P.M.: Ohio State University Law Alumni Association, Luncheon, Argyle Room, Balmoral.
- 12:30 P.M.: University of Pennsylvania Law Alumni Society, Luncheon, Balmoral Club, Balmoral.
- 12:30 P.M.: University of Virginia Alumni (Law School), Luncheon, Pan Tan Room, Singapore.
- 12:30 P.M.: Washington and Lee University Law School Association, Luncheon, TV Room, Kenilworth.
- 12:30 P.M.: Yale Law School Association, Luncheon, Cotillion Room, Beau Rivage.
- 12:30 P.M.: Section of Family Law, Section Luncheon, Palladio Room, Sea View.
- 12:30 P.M.: Section of Patent, Trademark and Copyright Law, Section Luncheon, Medallion Room, Carillon.
- 1:30 P.M.: Standing Committee on Traffic Court Program, Joint Conference with Right-of-Way Trial Lawyers, Malayan Room, Singapore.
- 2:00 P.M.: Special Committee on Professional Relations, Meeting, Parlor 207, Americana.
- 2:00 P.M.: Section of Criminal Law, Business Meeting, Florida Room, Bal Harbour.
- 2:00 P.M.: Section of Family Law, General Session, Florida Room, Sea View.
- 2:00 P.M.: Section of Insurance, Negligence and Compensation Law, General Session, Napoleon Room #11, Desuville.
- 2:00 P.M.: Section of Judicial Administration, Panel Discussion, Caribbean Suite, Americana.
- 2:00 P.M.: Section of Patent, Trademark and Copyright Law, Symposium on Patents, Siam Ballroom, Carillon.
- 2:30 P.M.: American Law Student Association, Bus Tour of Miami Beach and Reception for ALSA Delegates at the University of Miami sponsored by the Student Bar Association of the University of Miami School of Law, Main Entrance, Carillon.
- 3:00 P.M.: Standing Committee on American Citizenship, Naturalization Proceedings, International Room, Americana.
- 3:15 P.M.: Standing Committee on Bill of Rights, Meeting, Heather Room, Balmoral.
- 3:00 P.M.: Phi Alpha Delta Law Fraternity, Reception, Palladio Room, Sea View.
- 4:00 P.M.: Catholic University Law Alumni Association, Reception, Pan American Room, Americana.
- 4:00 P.M.: Phi Delta Phi Fraternity (International), Reception, Medallion Room, Americana.
- 8:00 P.M.: First Church of Christ, Scientist, Religious Services, 1920 Alton Road, Miami Beach.
- 8:00 P.M.: Section of Patent, Trademark and Copyright Law, Colored Slides of the Los Angeles Meeting, Medallion Room, Carillon.
- 9:00 P.M.: Variety Show featuring leading entertainment, Americana.

Medical Testimony

A panel discussion on "Impartial Medical Testimony" will be held by the Judicial Administration Section today at 2 p.m. in the Caribbean Suite of the Americana. Speakers include Aron Steuer, Justice of the Supreme Court of New York, and Dr. Howard Craig, director of the N. Y. Academy of Medicine.

-ENCLOSURE-

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: September 3, 1959

FROM : C. D. DELOACH

SUBJECT: 82nd ANNUAL MEETING
 AMERICAN BAR ASSOCIATION (ABA)
 MIAMI BEACH, FLORIDA
 AUGUST 24-28, 1959

SYNOPSIS:

This is summary report by Inspector H. L. Edwards and SA H. E. Hoxie concerning Bureau coverage of captioned meeting. Where schedule conflicts prevented attendance by Edwards or Hoxie, certain functions were covered by SAC Lee O. Teague and SAs Vincent Antle and Frank J. Smith of Miami. (Meeting had more than 11,000 members and spouses, involved sessions spread over 13 hotels sponsored by 18 Sections, numerous committees, plus General Assembly and House of Delegates.) Every effort made by Bureau representatives to circulate among the membership with particular attention to Criminal Law Section. This personal liaison resulted in election of Edwards to the Council of the Criminal Law Section. Attorney General Rogers expressed enthusiastic agreement with Bureau maintaining liaison with ABA activities and was complimentary of the job being done, based on his observations and information coming to his attention. Luther Huston and Assistant Attorney General [] were among Departmental representatives at convention and Bureau representatives had several contacts with them.

Detailed reports prepared re each function attended for future reference. An appendix contains pertinent literature, speeches, and reports of Sections and committees. Copies of this synopsis together with pertinent attachments designated for Belmont, Rosen and Tamm to permit any analysis and recommendations appropriate on matters affecting those Divisions.

George Smathers

General A. Opening session (8/24/59) included welcome addresses by Senator Smathers (substituting for Governor LeRoy Collins) and President of Florida Bar Association. ABA received Freedoms

ENCLOSURE: (Appendix)

FILE/HEH:tmi (8)

1 - Belmont

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GENERAL

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DeLoach to Tolson Memo(cont.)

FI 02-101 *Ross + Malone* *Annual Banquet*
Foundation Award for sponsoring Law Day, USA. President Ross L. Malone delivered main address entitled "Our First Responsibility," stressing that foremost current responsibility of legal profession is to improve pre-legal and legal educational standards. Second General Session featured addresses by [redacted] President of the Law Society, London, and Attorney General Rogers. Rogers urged greater contact between U. S. and Russian citizens; also urged repealing Connally Amendment which limits assumption of jurisdiction by the International Court of Justice. (Copy of speech in Appendix.) President Walter Owen of Canadian Bar Association and Sir Geoffrey Lawrence, Vice Chairman of General Council of Bar of England and Wales, addressed Third Session. Lawrence alluded to the "most efficient FBI" in very complimentary manner. Miscellaneous resolutions presented to General Assembly including two by [redacted] one-time attorney for racist John Kasper. [redacted] in an admitted effort to limit Chief Justice Warren, proposed U. S. constitutional amendment disqualifying Supreme Court justices from high political offices for five years after leaving court. Resolution defeated. He also proposed amendment re States Rights; one portion dealing with the right of state to change its earlier action of ratifying an amendment prior to finalized action was referred to committee; other portions not passed. Main speech at Annual Banquet delivered by Under-Secretary of State C. Douglas Dillon emphasized that the central task of our foreign policy is to off-set communist efforts to promote world domination by intensive U. S. public and private economic help to countries needing aid. ABA gavel awards were presented to Henry Luce of Time, Inc. for Time Magazine's reporting on the first national observance of Law Day, USA, on 5/1/58; to the St. Louis Post-Dispatch for a series of articles on the U. S. Supreme Court; to Moline, Illinois, Daily Dispatch for articles and editorials supporting Bar efforts to modernize the Illinois court system; to American Broadcasting Company for its television series "Day in Court"; to Columbia University Press for a motion picture dealing with U. S. Constitution and to Southern Telephone News, Atlanta, for articles on the role of law and lawyers.

At first session of House of Delegates an American Citizenship Committee recommended ABA accept invitation of American Legion to create joint committee on Americanism and Communism. Recommendation withdrawn after House reiterated long-standing policy that ABA does not participate in any committees

~~TOP SECRET~~

DeLoach to [redacted] Memo (cont.)

or groups over which the House of Delegates has no control. Conflicting reports dealing with passport restrictions and non-sensitive Federal positions filed by Peter Campbell Brown's Committee on Communist Tactics, Strategy and Objectives and [redacted] Special Committee on Individual Rights as Affected by National Security. House issued special instructions to these committees to hold joint meeting with sub-committee of the ABA Board of Governors for purpose of reaching a joint report prior to Board's October, 1959, meeting. These reports previously analyzed at Bureau and summarized for Director. Report of Brown's committee consistent with general view-point of Bureau. Bill of Rights Committee submitted report concluding no impairment of national security by recent Supreme Court decision as Brown's committee had found in its special report acted on by House of Delegates at mid-winter meeting February 24, 1959; since Bill of Rights report contained no recommendations or resolutions it was merely received for filing and President Malone issued accompanying statement emphasizing that accepting report for filing did "not indicate any change in the position of the Association which was established by the resolutions adopted in February. Today's (8/25/59) House action did not in any way recede from, or modify, that position." (Underscoring ours.) Despite this clear statement of policy, press accounts carried misleading headlines that ABA had reversed earlier position of expressing concern over Supreme Court decisions in the internal security field. At final session of House of Delegates 8/28/59 [redacted] Chairman of the Commerce Committee (personally known to Edwards), severely castigated press for inaccurate reporting action on Bill of Rights report and singled out erroneous "Miami Herald" editorial of 8/28/59. Sylvester C. Smith, Chairman of the House of Delegates, supported Rhoads in castigation.

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On 8/27/59, House of Delegates approved resolution of Criminal Law Section wherein ABA approves and recommends passage of Senate Bill 2107 to extend the interstate transportation of gambling devices statute to include devices like "bingo" or "in-line" pinball machines. Legislation has Department's approval.

CRIMINAL LAW SECTION:

Due to the importance of the proceedings of this Section a separate memorandum is being submitted on its activities. Sessions dealt with the pros and cons of capital punishment, labor

DeLoach to Tolson Memo (cont.)

racketeering and its diagnosis and treatment and modern attitudes toward crime with an appraisal of the present trends. The final business session considered numerous miscellaneous matters and the election of officers.

FAMILY LAW SECTION:

This new section (formerly part of Criminal Law Section) plans to continue study of juvenile court problems. Several present expressed the fear that social workers were attempting to assume responsibilities rightfully belonging to the courts and those legally trained. Activities of this section should and will be followed closely by Bureau representatives.

MISCELLANEOUS:

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Edward Bennett Williams addressed a session of the Junior Bar Conference (8/22/59, prior to ABA meeting, but coverage handled by Miami Office) on Congress and its investigators. He claims Congressional committees have investigated for exposure sake contrary to rulings of Supreme Court. Only reference to the FBI was passing remark by Williams that when [] criticized FBI on television show [] was immediately subpoenaed by Congressional committee. Williams proposed a bill of rights for witnesses before committees.

On 8/26/59, Robert G. Storey, Vice Chairman of Civil Rights Commission, addressed open session sponsored by Bill of Rights Committee on history, purpose and activities of Commission. *F/Old*

F/Old Erle Stanley Gardner spoke briefly before a "Law and the Layman" conference on need for obedience to law. No mention made of Bureau.

CONCLUSIONS:

This meeting gave additional proof of absolute desirability of Bureau coverage to keep alert to trends in both the security and criminal fields and to protect our interests. The presence of Bureau personnel is believed to act as deterrent to irresponsible persons who might attack the FBI; also it proves to responsible citizens that Bureau keeps abreast of developments in fields of vital interest. At the next regional meeting scheduled

DeLoach to Tolson Memo (cont.)

for November 12-14, 1959, the Criminal Law Section will sponsor a demonstration on wire tap and recording equipment. It is believed Bureau representatives should definitely cover this regional meeting. The 1960 annual meeting is scheduled for Washington, D. C.

RECOMMENDATION:

That approval be given for Bureau representatives to cover the next regional meeting at Memphis, November 12-14, 1959.

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DETAILS

GENERAL ASSEMBLY - OPENING SESSION

10:00 a.m., Monday
August 24, 1959

Meeting presided over by President Malone. Senator George Smathers made the address of welcome, in lieu of Governor Leroy Collins (Collins had to make an emergency trip to National Naval Medical Center, Bethesda, because of injury sustained by his son in flying.)

Senator Smathers' talk was generally one of welcome. He took occasion, during the remaining portion of his remarks, to put a plug in for the Smathers-Keough-Simpson Bill, which the ABA is strongly in favor of because the bill makes provision for tax relief for self-employed groups of people which would, of course, include the bulk of attorneys. Smathers urged the ABA to do more than pass resolutions, stating resolutions are a dime a dozen these days. He said the way to get action on the bill was for every member of the ABA to buttonhole any Congressman or Senator known to him and personally urge his favorable action.

17/11/59 [] President of the Florida Bar, made the next address of welcome, which was very humorous and extremely well received.

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17/11/59 Lewis F. Powell, Jr., of Richmond, Virginia, made the response to Hall's welcome address.

17/11/59 Admiral Felix B. Stump, USN (Retired), Vice-Chairman and Chief Executive Officer of the Freedoms Foundation at Valley Forge, presented an award to the American Bar Association for its work in sponsoring Law Day, USA. This award was received on behalf of the ABA by Past ABA President Charles S. Rhyne, Jr.,

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of Washington, D. C., who is given credit for fathering Law Day, USA. Rhyne, in accepting the award, expressed the hope that through future efforts the ABA would give the Freedoms Foundation no occasion to wish for the return of the award.

President Malone presented awards of merit to Bar Associations who had distinguished themselves. Details of this are reported in news clippings.

Malone then made his annual address as outgoing President. Nothing of significance to the Bureau except that Malone emphasized as the foremost responsibility of the legal profession through the ABA, in his opinion, is to intensify and bring to fruition current efforts to improve the legal educational standards. As a prime example, he cited the fact that, although there has been commendable progress made by law schools in raising their standards to the extent where they now require a good minimum of college education as a prerequisite as an admission to a law school, yet in almost no case do law schools specify what this preparatory education shall consist of. Malone felt this is the area where much good work can and should be done. (Complete text of Malone's annual report in Appendix.)

AMERICAN BAR ASSOCIATION
MIAMI BEACH
AUGUST, 1959
GENERAL ASSEMBLY SECTION
AUGUST 26, 1959

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The General Assembly Section met under the chairmanship of President Ross Malone. He introduced past presidents, members of the Boards of Governors, and the President of the Inter-American Bar Association, [redacted] of Bogota, Colombia. [redacted] addressed the group briefly commending the American Bar Association for its stand on individual rights and freedoms and pointed out that the Inter-American Bar Association will meet in Bogota, Colombia, in May, 1961.

Former President Los Angeles, Calif.
President Ross Malone pointed out that the International Bar Association under its President, [redacted] will meet in Salzburg, Austria, in May, 1960. Reservations to attend must be received no later than January 1, 1960. Malone pointed out the American Bar Association (ABA) will meet in Washington, D. C., in 1960. *F/10-112*

President of English Law Society, [redacted] addressed the group, pointing out the great benefit achieved by the bar association meetings at which the English and American attorneys are present, thus effecting closer ties and a greater atmosphere for concerted action in maintenance of world peace.

President Malone accredited the Attorney General's administration with (1) the elimination of certain court congestion and (2) his clean-up on organized crime.

ATTORNEY GENERAL OF
THE UNITED STATES
WILLIAM P. ROGERS

The gist of the Attorney General's remarks was that:

(1) Justice Department seeks same general objective as American Bar Association (ABA).

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(2) Responsibility of ABA and U.S. to (a) compete with international communism by following American form of jurisdiction and thus showing it is superior; (b) maintain peace; (c) Americans must speak out for the American ideas of individual freedom to defeat the Soviet idea to rule the world - - - must not let Government rule for Government only.

(3) Merits of individual cases must be emphasized.

(4) Must establish greater exchange between communist countries and U.S. through attorneys and jurists.

(5) In an effort to further solidarity between Western allies, should consider repeal of the Connally Amendment (This applies to the international court and relates to a reservation of the right of the U.S. to determine by itself whether any item will be submitted to the international court.)

(6) Should consider that any international agreements wherein there are disputes will be automatically referred to the international court.

No reference was made to the work of the Bureau or to Bureau performance or officials.

AMERICAN BAR ASSOCIATION
MIAMI BEACH, FLORIDA
AUGUST, 1959
GENERAL ASSEMBLY SESSION
AUGUST 27, 1959

Session met, President Ross Malone presiding.
Business order as follows:

(1) Ross Essay Award given to William Albert Shuford, Charlotte, North Carolina, for the best essay on the question "Is there Federal Encroachment on State's Rights which Should Be Curbed." Shuford read his paper which he had submitted which was to the effect that there should be curbing of Federal power especially in matters of concurrent jurisdiction with the State to thus give the State the primary right to proceed. Subject matter of the Ross Essay contest for 1960 will be "What New and Different Administrative Procedures Would Reduce Congestions in Court."

(2) Honorable Walter Owen, President, Canadian Bar Association, spoke. Tenure of speech was that bar should foster the love of individual freedom which is the reason why the Western world is different from the communist world.

(3) Honorable Geoffrey Lawrence, Vice Chairman of the General Council of the Bar of England and Wales, made a very effective address to the assembly. He recalled an incident in his youth when he visited the United States and recalled that he was seeking a particular address in New York and said that he thought about asking directions but knew if he did, would probably ask a member of the "most efficient FBI." His reference to the FBI was made in a warm and respectful and complimentary manner. Mr. Lawrence stated that there must be a conscious revival of the phrase "I disagree completely with what he has said but I will defend to death his right to say it." The tenure of his remarks was to the

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effect that the hope of the world in surviving the thought-control of communist materialism was placed in the ideals and innate tendencies of the English-speaking people to repeal communism.

As a matter of interest, he pointed out that a law recently passed in England (within the past 10 days) permitted English attorneys to appeal to appellate courts the denial of the issuance of a habeas corpus. He said that he expected that this same statutory enactment would eventually come into effect throughout the English-speaking world.

(4) Certain Constitutional amendments were submitted to the American Bar Association, none of which was considered to be of pertinence.

(5) Resolutions were received by the General Assembly as follows:

I. A resolution submitted by George Washington Williams on a proposed Constitutional amendment, excluding Supreme Court justices from holding high public office until five years after leaving court. - - Resolution defeated.

II. Proposed Constitutional amendment by Williams submitted in three parts recommending strong bill relating to States rights. This proposal was in three parts. These resolutions were not passed. Section 2 of this second proposal of Williams was referred to Committee with the statement by the chairman that although it did not appear to have merit, it should be considered along with similar matters by the Committee on Jurisprudence and Law Reform. This particular item referred to dealt with the rights of various States to revoke or change any action they may have previously taken regarding the ramifications of amendments to the United States Constitution before finalized action has been taken.

III. Resolution #3 recommended a commission be established by the United Nations to investigate communist interference in Tibet. - - Passed.

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IV. Resolution that names of deceased persons should not be carried on letterhead and advertising of law firms. - - - Referred to Committee on Professional Ethics.

V. Resolution that ABA consider arrest and detention and traffic law enforcement an integral part of traffic court up-grading, and that in all cases of known violations of this principle that ABA appoint commissioners to investigate and report. - - - Defeated.

VI. Resolution relating to news media and question of its application or violation of Judicial Canon #35, recommending appointment of a joint committee of news people and the judiciary to study this problem. - - - Resolution was tabled since this matter already under consideration.

VII. Resolution that ABA go on record as being opposed to other organizations using the term "counselors" when they are not attorneys. - - - Referred to Committee on Unethical Practices.

VIII. Resolution that all lawyers be granted commissions the same as other professional men when they enter armed forces. - - - Referred to Committee for further study.

IX. Resolution recommending an exchange program between American and English lawyers. - - - Defeated.

X. Resolution that an attorney must handle all real estate property transfers. - - - Referred to committee.

XI. Resolution that small businessmen shall be fully compensated for business taken through the exercise of the right of public domain in redevelopment programs. - - - Referred to committee.

* * *

There was no mention in these resolutions of the FBI and no other items of pertinence were noted.

REPORT ON ANNUAL DINNER
AMERICAN BAR ASSOCIATION
INTERNATIONAL ROOM
AMERICANA HOTEL
MIAMI BEACH, FLORIDA
THURSDAY, AUGUST 27, 1959
7:30 P.M.

This dinner attended by Edwards and Hoxie. The main speaker was Under-Secretary of State Dillon, who spoke on the threat of international communism and emphasized the need for an intensification and continuance of the good work the American Bar Association has sponsored in promulgating world peace through the rule of law. His speech was a prepared one and he appeared not to deviate from the text. Nothing significant to the FBI was mentioned.

The other items on the agenda were similarly not pertinent to the Bureau. The program is outlined in the appendix.

Attorney General Rogers sat at the speakers' table and was introduced by outgoing President, Ross L. Malone.

The three Britishers (Lawrence, [redacted] and Owen) were presented with honorary Certificates of Membership in the ABA entitling them to all privileges except voting.

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HOUSE OF DELEGATES

Opening Session
2:30 p.m., August 24, 1959

Nothing occurred in this opening session of the House of Delegates reflecting directly or indirectly on the FBI.

Following the opening roll call, there was a report by the Committee on Credentials and Admissions, as well as approval of the record and of the calendar. Sylvester C. Smith, Jr., Chairman of the House of Delegates, made a statement, following which there was an offering of resolutions for reference to the Committee on Draft.

Ross L. Malone, President of the American Bar Association, addressed the House and his remarks are contained in a printed release, No. 7, which is contained in the Working Press Kit, which kit was obtained from the Press Room at the Americana Hotel.

The Report of the Board of Elections is in printed release No. 9, contained in the Working Press Kit.

Indiana, Florida
[redacted] *American Bar Association*
Treasurer of the ABA from Indianapolis, Indiana, stated that he was retiring after ten years of service and was happy to report that the ABA was still operating in the black and not in the red ink. He said it appeared there would be an increase in ABA dues of twenty-five per cent next year. *Chairman of the Budget Committee*, reported that the ABA presently has a surplus of approximately \$20,750.00.

American Bar Association
Concerning Item No. 15-on-the final calendar of the House of Delegates, which is the Report of the Committee on Rules and Calendar, it was the recommendation of the Committee that the Amendments to the Constitution and By-Laws, as

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published in the July, 1959, issue of the American Bar Association Journal and the Program for the 1959 Annual Meeting, be adopted. These proposed amendments to the Constitution and By-Laws of the ABA are contained on Pages 33, 34, 35, 36 and 37 of the Final Calendar of the House of Delegates (this calendar is contained in the Working Press Kit).

Concerning the above-mentioned proposed amendments, those on Pages 33, 34, 35 and 36 were adopted by the House of Delegates. There was a debate, however, on "III C" contained on Page 37 of the calendar. As a result of considerable discussion on the floor, a suggested amendment of this proposed amendment was made and adopted by the House. The suggested amendment read as follows: "A member who is in default in payment of dues and against whom no complaint or charge is pending may have his membership cancelled upon his written request therefor."

The expansion program of the ABA was discussed at this first session of the House and it was pointed out that the present lease of the ABA building has five years to run and that action will have to be taken for the negotiation of a long-term lease of the ABA center.

Item No. 16 on the calendar covered the Corporation, Banking and Business Law Section. It was recommended by the section that the By-Laws of the section in the form as amended and submitted to the House of Delegates be approved. This recommendation was approved by the House. The report of this section, namely No. 17, is contained in the Working Press Kit.

Item No. 17 of the calendar covered a report of the Special Committee on Continuing Legal Education and the report is contained in the Working Press Kit, as is Item No. 18 covering the American Law Institute - American Bar Association Joint Committee on Continuing Legal Education.

Item No. 19 on the calendar covered legal aid work and the report of the standing committee is contained in the

Working Press Kit. The theme presented here was that no one should be denied the right of justice because of the lack of funds.

Item No. 20 on the calendar, covering court congestion, was moved to the Tuesday session of the House, at which time the recommendations of the Committee were adopted by the House. These recommendations included the continuance of the Committee, as well as the approval of a publication of a proposed pamphlet entitled "Ten Cures for Court Congestion." The report of this Committee is also contained in the Working Press Kit.

Item No. 21 covered Federal Liens and Item No. 22 covered Income Tax - Submission of Amendment, and the House approved continuance of both of these Committees. The reports of both these Committees are also contained in the Working Press Kit.

Of possible interest to the FBI was Item No. 24 on the calendar, American Citizenship. Three recommendations were made by this Committee. The first two recommendations were adopted by the House. The third recommendation was withdrawn and not acted upon by the House. The third recommendation, which was not put into effect, recommended that the ABA accept the invitation of the American Legion to create a joint committee on Americanism and Communism. This recommendation was withdrawn by the House because of the long-standing policy that the ABA does not participate in any committees or groups over which the House of Delegates has no control. The report of the Standing Committee on American Citizenship is contained on printed release No. 24 in the Working Press Kit.

HOUSE OF DELEGATES

9:30 a.m. and 2:00 p.m.
Tuesday, August 25, 1959

Of interest to the FBI at this session were Item No. 25, covering Communist Tactics, Strategy and Objectives; Item No. 26, covering Individual Rights as Affected by National Security; and Item No. 71, covering Bill of Rights.

With reference to the above, Item No. 25 and Item No. 26 were quickly disposed of by the House of Delegates membership since it recommended that both committees be continued and that both be instructed to have a joint meeting with a sub-committee of the Board of Governors to formulate a joint report prior to the October 29, 1959, meeting of the Board of Governors. No discussion was held on the floor concerning Communist Tactics, Strategy and Objectives or concerning the Individual Rights as Affected by National Security.

Reports of these committees are contained in the Working Press Kit.

Item No. 71 covers the Bill of Rights and was, by far, the thorniest to come up thus far before the House. After much wrangling and debate, the report of the Committee was accepted for filing, but only with the stipulation that it in no way expressed the approval or disapproval of the membership of the House of Delegates.

[redacted] of Los Angeles, California, a former ABA President, asked the House of Delegates to table the report offered by the Bill of Rights Committee. He said, "The impression that a small group of men can overrule the stand this body took only six months ago is something we cannot afford." [redacted] of Seattle, Washington, presented

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a motion to table the report, not suppress it, in order that it could be considered along with the joint report of the Committee on Communist Tactics, Strategy and Objectives and on Individual Rights as Affected by National Security at a accepting later meeting. Ross Malone, outgoing President, favored the report, urging that the members accept it because to table the report would leave an inference the House criticized the Supreme Court at its last meeting. He said the House takes no action approving or disapproving the contents of committee reports filed with it and the statements in these reports reflect only the views of the committee members and not the ABA. He said only resolutions adopted by the House constitute the policy of the ABA and thus the report could be received without altering any resolutions adopted by the House at its meeting last February.

1-10-10a In its report, the Bill of Rights Committee, headed by [redacted] of Newark, New Jersey, pointed out that this Committee could not see any indication that the security of the nation or of the states had been impaired by the United States Supreme Court's decisions. The Bill of Rights Committee Report carried with it no recommendations for action by the House of Delegates. It examined the same Supreme Court rulings referred to in an earlier report of the ABA Committee on Communist Tactics, Strategy and Objectives. The latter report was submitted to the House of Delegates at its meeting last February in Chicago. At that time, the Communist Tactics group also submitted a series of five resolutions embodying recommendations to Congress for legislation to tighten security laws. The House of Delegates approved these legislative proposals but not the accompanying report itself since, under the House rules, it represented only the views of the Committee.

[redacted] in his appeal to the House, mentioned the name of the President, Vice President, Mr. Dulles and J. Edgar Hoover as being great patriots, and that the House of Delegates decision at the February, 1959, meeting should not be altered. Also, in connection with the action on the report

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of the Bill of Rights Committee, at the Miami meeting, the House of Delegates directed that the President of the ABA issue an explanatory statement in connection with the acceptance for filing of the report of the Association's Standing Committee on the Bill of Rights. Mr. Malone, the President, reappeared before the House of Delegates subsequently and advised that he would issue a statement to the press in compliance with the instructions of the House that he do this. Following is the statement:

"This statement was deemed necessary because the conclusions reached by the Committee on the Bill of Rights, as to certain Supreme Court decisions, differ with those reached by the Special Committee on Communist Tactics, Strategy and Objectives in a report filed with the House of Delegates at its February meeting. At that time, the House of Delegates adopted recommendations of this Committee for legislation, designed to strengthen the internal security of the nation.

"The motion adopted by the House today expressly recites that 'the acceptance of the report of the Committee on the Bill of Rights for filing in no way expresses approval or disapproval of the substance' of the report. The report contained no recommendations for consideration by the House of Delegates.

"Under the rules of the House of Delegates, the House acts only upon resolutions which can be considered, debated and adopted or rejected. Only resolutions so adopted constitute the policy and position of the American Bar Association. The House takes no action approving or disapproving the contents of committee reports filed with it, whether or not they accompany proposed resolutions. The statements in all reports reflect only the views of

"the committee members, and not of the American Bar Association.

"Thus the fact that the House today accepted for filing a report from its Standing Committee on the Bill of Rights, which takes issue with the earlier report of the Special Committee on Communist Tactics, Strategy and Objectives, does not indicate any change in the position of the Association which was established by the resolutions adopted in February. Today's House action did not in any way recede from, or modify, that position."

The Report of the Standing Committee on the Bill of Rights is contained in printed release No. 71 in the Working Press Kit. This also includes the dissenting opinion of

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Of definite interest to the FBI at this session was the introduction of Deputy Attorney General Edward Walsh to the House of Delegates membership. Mr. Walsh, in his address, made a commendatory remark concerning FBI background and fitness reports of federal judges.

Concerning Item No. 27, covering Customs Law, Item No. 28, covering Jurisprudence and Law Reform, Item No. 29, covering Unauthorized Practice of the Law, and Item No. 30, covering Membership, it should be noted that reports of these committees are contained on printed releases in the Working Press Kit.

Concerning Item No. 31, covering Military Justice, Recommendations No. 1 and No. 2 by the Committee were adopted by the House. Recommendation No. 3 was postponed for consideration at the next mid-Winter meeting.

Item No. 32 on the calendar covers World Peace through Law and Item No. 34 covers Communications. Both

Committees made certain recommendations which are contained in the calendar and all were adopted by the House. In addition, the reports of these Committees are contained in the Working Press Kit.

Item No. 37 covers regional meetings and it was pointed out that the next regional meeting will be at Memphis, Tennessee, from November 12-14, 1959. The one following that will be at Portland, Oregon, from May 22-25, 1960. The third regional meeting scheduled will be at Houston, Texas, November, 1960. In addition, the preambles and resolutions recommended by this committee were all adopted by the House of Delegates and its report is contained on a printed release in the Working Press Kit.

Item No. 38 covers Cooperation with Legal Profession of Friendly Nations, Item No. 39 covers Commerce, Item No. 40 covers Retirement Benefits, Item No. 43 covers Rights of Mentally Ill, Item No. 45 covers Unemployment and Social Security, and Item No. 46 covers Nonpartisan Selection of Federal Judiciary. Reports of these committees are on printed releases contained in the Working Press Kit and any recommendations made by these various committees were all adopted by the House of Delegates without debate.

F/10-102 Concerning Item No. 41, which covers Federal Judiciary, [redacted] Chairman of the Committee, pointed out that the ABA was urging that twenty vacancies in federal judgeships be filled as soon as possible. [redacted] pointed out that Attorney General Rogers had maintained close liaison with the ABA Committee and commended him for attempting to secure the best-qualified candidates as federal judges. [redacted] proposed a resolution that, whereas there were twenty judgeship vacancies, and, whereas court congestion was critical, the Senate and the Judiciary Committee be urged to act upon the pending nominations prior to adjournment. After making this resolution, an effort was made from the floor to amend the resolution by also criticizing the President for delay in making

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nominations. This was voted down by the House and the original resolution proposed by was adopted unanimously.

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Item No. 47 covers Atomic Attack, Item No. 48 covers Clients' Security Fund, and Item No. 49 covers Economics of Law Practice. The recommendations made by these Committees were adopted by the House and their reports are in the form of printed releases contained in the Working Press Kit.

HOUSE OF DELEGATES

9:30 a.m., Thursday, August 27, 1959

The only item of specific interest to the Bureau covered at the House of Delegates at this session concerned the House approval of a resolution offered by the Criminal Law Section wherein the ABA approves and recommends passage by Congress of Senate Bill 2107 to amend the definition contained in the section of the act of January 2, 1951, which prohibits the transportation of gambling devices in interstate commerce. Further, the Criminal Law Section is now authorized on behalf of the ABA to support and advocate the passage by Congress of this Bill. The Department of Justice has recommended passage of this Bill. The report accompanying the resolution states that the Bill extends the Johnson Act to devices like "bingo" or "in-line" pinball machines as being within the scope of gambling devices.

For record purposes, the following items were covered and are briefly listed as follows:

(1) Item 33 ^{F/01-1 d2} proposed revision of Judicial Canon #35. Whitney North Seymour, Chairman of this Committee, advised that the Committee is still studying the question of approval of further media in the courtroom. No final report or recommendations were submitted.

(2) Problems of outer space. This is a topic requiring extensive study and the surface has just been scratched. There are tremendous legal ramifications concerning the use of outer space.

(3) Atomic Energy Law, Item 53. Approval was given to a resolution recommending the coverage of injuries sustained from radiation as being within the definition of an occupational disease and, therefore, would be covered under existing Workmen's Compensation statutes.

^{Florida} (4) Item 55. ^{American Bar Association} Family Law Section: [redacted] Chairman of the Family Law Section, reported that the Section now has over 600 members and is one year old.

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Approval was given by the House of Delegates to a resolution recommended by the Family Law Section calling for regulation of proxy adoptions of foreign children by providing safeguards and investigations of both the children and prospective parents. [] noted that there are conflicting statutes now proposed as to who should conduct the investigation in these circumstances and that he feels the ABA should not be concerned whether it is done by the Department of Health, Education, and Welfare or the Department of Justice, as long as it is done. Therefore, the resolution adopted made no recommendation concerning who should conduct the investigation but endorsed the principle of providing safeguards by appropriate inquiries.

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(5) Legal Services and Procedures, Item #58.
This Committee is to be continued.

(6) Bar Activities Section, Item #59. No report and no recommendations were submitted.

(7) Mineral and Natural Resources Section, Item #60. No recommendations were made.

(8) Legal Education and Admissions to the Bar Section, Item #61. No recommendations were made.

(9) Municipal Law Section, Item #62. No report submitted.

(10) Lawyer Referral Service, Item #63. No recommendations made.

(11) Professional Ethics, Item #65. To be continued.

(12) Professional Grievances, Item #66. To be continued.

(13) Professional Relations, Item #68. To be continued.

- (14) Tax Section, Item #69. Report approved.
- (15) Criminal Law Section, Item #70. (See first part of this summary for details).
- (16) Bill of Rights, Item #71. Previously reported in separate memorandum.
- (17) Committee to Co-operate with American Medical Association, Item #72. Report approved.
- (18) Administrative Law Section, Item #73. Resolution adopted. (The discussion leading to this resolution concerned the fact that the wording of the resolution was changed to obliterate any possible implied criticism of the White House.) The resolution concerning Congressional approval of overseas air line service was approved. The final resolution of this Committee concerning a conference on strengthening Federal administrative agencies procedures and services was adopted.
- (19) Antitrust Law Section, Item #74. No report.
- (20) Federal Rules of Procedure, Item #75. The special committee was continued. The chairman announced that the Committee had held no meetings.
- (21) International Unification of Private Law, Item #76. Report approved.
- (22) Public Utilities Law Section, Item #77. No report.
- (23) Federal Legislation, Item #78. Report approved.
- (24) Judicial Administration Section, Item #79. Report approved.
- (25) Labor Relations Law Section, Item #80. No report.
- (26) Law Lists, Item #81. No report.

(28) Patent, Trademark, and Copy Law Section,
Item #85. Report approved.

(29) National Conference of Commissioners on Uniform
State Laws, Item #86. The Chairman, [REDACTED] Presi-
dent of the Conference (from Portland, Oregon) stated the com-
missioners had approved the act concerning the uniform taking
of testimony. He stated other proposed uniformed acts were
being worked into final form and presentation to the House
of Delegates.

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NOTE:

This concluded the Thursday, August 27, 1959,
session with the announcement that the Resolutions Committee
would meet in general assembly that afternoon to prepare
any resolutions which would have to be acted upon by the
House of Delegates at its final session Friday morning,
August 28, 1959.

HOUSE OF DELEGATES

Meeting, 9:30 a.m.
August 28, 1959

The House of Delegates opened its business session under Chairman Sylvester C. Smith. The matters of resolutions coming before the House of Delegates were considered as follows:

(1) A resolution relating to the opinion of the American Bar Association that there should not be continued captive lawyers. By way of explanation, a captive lawyer is one who represents a large firm in a local area but attorneys of the firm located in other communities dictate the policy of any law suits that will be tried in the local community. --- This resolution was referred to the Board of Governors for further study and designation as to which committee might give further consideration.

(2) A resolution relating to the desire of the ABA to teach ethics in law school and permit law schools to have tax reductions for expenses incurred in teaching such matters --- referred to Committee on Taxation.

(3) Resolution by ABA commending host city -- passed.

The Hearing Committee had no report to give.

The Credentials Committee reported that the President-Elect, Whitney North Seymour, and [redacted] Treasurer-Elect, under existing regulations must resign from the Board of Governors and recommended that the resignations be accepted as of that time, and that Mr. Louis C. Ryan be appointed to the Board of Governors to replace Seymour from the Second Circuit and [redacted] appointed to the Board of Governors from the Sixth Circuit to replace [redacted]. This action was passed.

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New Business

[redacted] from Pennsylvania addressed the House of Delegates, stating he was very disturbed at having read an Editorial appearing in The Miami Herald on the morning of August 28, 1959, noting that the news article stated the House of Delegates had reversed the action taken by them in Chicago in February, 1959, relating to the question of the Bill of Rights (analysis of certain U. S. Supreme Court decisions). He said he wanted to make it abundantly clear that he was a spokesman for the House of Delegates and for himself, personally, and when the House of Delegates accepted the report of the Committee on the Bill of Rights in Miami Beach, it was clearly understood this action in no way modified, changed, added to or deleted from previous action taken by the House of Delegates in Chicago. [redacted] said further that he wanted it clearly understood the newspaper report was completely inaccurate and it was the clear understanding of everyone concerned that there was no modification whatsoever of the stand previously taken by the House of Delegates.

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Chairman of the House of Delegates, Sylvester C. Smith, elaborated upon the statements by [redacted] and stated he wanted to go on record to indicate there was a complete misquoting by The Miami Herald and it was regrettable the press did editorialize erroneously concerning the actual action taken by the House of Delegates at the current meeting. There was apparently unanimous approval in the House of Delegates regarding the expressions of [redacted] and Mr. Smith.

GENERAL ASSEMBLY SECTION

F-10-10a President Malone introduced the new members of the Board of Governors as follows: Benjamin Wham, Chicago, Illinois; Donald B. Harries, Duluth, Minnesota; Egbert L. Haywood, Durham, North Carolina.

This concluded the 82nd Annual Meeting of the American Bar Association held in Miami Beach, Florida.

FAMILY LAW SECTION

August 25, 1959, 10:00 a.m. Session,
Sea View Hotel

This particular meeting dealt with family law by means of a panel discussion, participated in by three panel members who made statements of their versions of problems regarding family law. There were no problems brought up in which there was any apparent interest on the part of the Bureau.

Brief summary details of the discussions are as follows:

F/104-1d7 1) Separation agreements discussed by [redacted] Chairman, Section Committee on the Practicing Lawyer, Milwaukee, Wisconsin. He pointed out that separation agreements are now recognized by most states in the union, and, generally, courts of those particular states, after a separation agreement has been in effect for two years, will permit it to be used as the grounds for divorce without alleging some wrong doing on the part of either litigant -- the separation agreement would be, in itself, the grounds for divorce.

F/104-1d8 2) ~~Tax~~ Tax Problems and Liabilities, discussed by panelist [redacted] pointed out a highly complicated taxing arrangement relating to divorce, separation and similar family matters. She is a representative of the Bureau of Internal Revenue and publicly stated that there were many inconsistencies in the application of tax laws by Internal Revenue regions relating to similar matters. She said the only means of securing relief was to appeal the administrative decision and take the matter into court for judgment and settlement.

3) [redacted] Chairman, Section Membership Committee, Miami, Florida, discussed the validity of foreign

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divorce decrees. He pointed out that, generally speaking, most states give credit to the Constitutional requirement of "full faith and credit" to the acts of another state, provided that both parties are present and all questions are decided by the court in the particular state where the litigation was entered into.

At the termination of the panelists' discussions, questions arose as to the necessity of passing uniform laws relating to family matters, i. e., marriages and divorces. It was the writer's opinion that those panelists and others who spoke had a defeatist attitude regarding any possibility of securing uniform divorce laws.

As stated before, there were no problems affecting the Bureau's work.

FAMILY LAW SECTION

General Session
2:00 p.m., 8/25/59

The group met at the Sea View Hotel for panel discussion relating to the approaches to family problems, the court, the lawyer, and the social worker. One of each of these representatives was on the panel, consisting of a total of three and presided over through the general supervision of Honorable Paul W. Alexander, Judge from Ohio, and through Moderator attorney, Columbus, Ohio. F1041da
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The entire discussion related to matters strictly concerning family, law, divorces, court procedures, social worker and attorney cooperative needs. There was no problem raised nor implication made as to any matter relating to the FBI.

Very briefly, the participants of the panelst and the problems presented were:

F1041da (1) Honorable Benson Trimble, Judge, Fourth Circuit Court, Nashville, Tennessee. The Judge pointed out that he is in charge of a new type court which has proved very successful in handling family matters, including divorces, custody hearings and similar problems, and has found it most beneficial to refer many questions to a social service organization which he felt was better fitted to acquire the detailed facts and make recommendations to the court.

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(2) Second panelist was Earl A. McNabb, Nashville, Tennessee, a practicing attorney who supported the contention of Judge Trimble. He pointed out that under the instant family court attorneys were paid for reconciliations as well as for court cases in which there was a divorce action taken.

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(3) Third panelist was [redacted] b6
Executive Director, Family and Children's Service of Nashville, b7C
Tennessee. [redacted] gave a completely ethereal outline of
just what his organization accomplished. Apparently he gives
marriage counseling service.

* * * * *

One of the principal speakers for the 8:00 p.m.
session, 8/25/59, Honorable Morris Ploscowe, Chairman,
Section Committee on Marriage Law, New York, New York, F/OLIdg
advised me at the termination of the afternoon session that
he felt the Family Law Section was "flirting with fate" by
letting the social workers assume the prerogatives of the
attorneys and the court. There were many other attorneys
present who voiced similar views, although Honorable Paul W.
Alexander, who was presiding, pointed out that one of the
endeavors of the Family Law Section of the ABA (this section F/OLIdg
is only one year old) was to promote closer working arrange-
ments between family-type courts and the social workers,
plus the establishment of additional family-type courts.
As previously stated, there appears to be no immediate problem
concerning Bureau activity, but it is interesting to note
that this is allegedly the first instance in which a social
worker has spoken before the American Bar Association and, as
some attorneys expressed it, the social workers have now
gotten their foot in the door.

As another interesting sidelight, which might suggest
some indication as to Ploscowe's future activities as one of
the new members of the Criminal Law Section Council, Edwards
and Hoxie conversed with him following the Annual Banquet
Thursday night. When Edwards brought up the subject of looking
forward to working with Ploscowe on the Criminal Law Section
Council, he commented (in a friendly vein, of course) that his
days of burning himself out in activities involving the donation
of his time and talents were on the wane. He stated when he
had a public position (Judge) he had much more time and more

inclination to serve in such capacities. Now that he has to make a living through clients, he intends to put their interests first and foremost and he indicated that the present pressures of such business keep him very busy; however, he did state he was looking forward to serving on the Criminal Law Section Council. It is therefore likely that Ploscowe will not be actively pushing any new ideas or initiating any revolutionary programs.

AMERICAN BAR ASSOCIATION
MIAMI BEACH
FAMILY LAW SECTION
AUGUST 26, 1959

Family Law Section met at the Sea View Hotel, 2:00 P.M., August 26, 1959. The session was presided over by Judge Godfrey L. Munter, Chairman of the Section. The following speakers made remarks and a brief summary of the remarks of each is set forth following each of the names:

FLORIDA JOEL MATSON - PRESIDENT
AUTOMOTIVE SAFETY FOUNDATION
WASHINGTON, D. C.

Matson recommended Family Law Section consider problems arising from highway transportation resulting in deaths, the useage of cars by juveniles, and incompetence as pertinent to family law considerations. He quoted statistics of possible interest:

- (a) Since 1941 accident rate has declined.
- (b) 1800 less were killed in 1958 in traffic than in 1957 -- lowest in history.
- (c) Estimated that 40,000 deaths will occur from traffic in 1959.
- (d) 1,200,000 persons killed in traffic since automobile first introduced.
- (e) Automobiles have brought about migration of population to urban centers. In 1910, of 76,000,000 Americans, 46,000,000 lived on farms; at present three fifth's of 175 million people live in urban centers and by 1975 four fifth's of population will live in urban centers. Since World War II, 90 percent of population increase is located in urban communities of 50,000 or more.

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- (f) He gave credit to the International Association of Chiefs of Police for emphasizing traffic control and driver licensing as a safety measure rather than a revenue measure - - commended furtherance this idea ABA.
- (g) Reported that 70 per cent of arrests for car thefts are young people under 21 years of age.
- (h) Urged ABA to get behind and foster driver training as part of school curriculum.
- (i) Next 18 years there will be more highway mileage traveled than all other travel in U.S. since its inception. Present highway travel amounts to one thousand billion miles per year and super-highways have only one fifth the number of accidents as regular roads.

D.C.

HONORABLE GUSTAV L. SCHRAMM
JUVENILE JUDGE
PITTSBURGH, PENNSYLVANIA

The Judge pointed out he was not in favor of social workers taking prerogatives of the court. Pointed out that the judge must take a personal interest in and active part in juveniles coming before courts, must talk to them and discover problem and take action accordingly. He commended to the Family Law Section that matters relating to juveniles and juvenile courts should be more fully discussed in future meetings.

HONORABLE ORMAN W. KETCHAM
JUDGE, JUVENILE COURT OF
DISTRICT OF COLUMBIA

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Judge Ketcham stated in effect that he believes in the theory that the juvenile court should follow the theory of law of "Parentis Patria." This theory is that
parents patriae

the court is substituted and assumes responsibility of the parents and thus the court as an arm of the State must keep certain promises to the juvenile. He said the State had not been living up to these promises and he felt greater consideration should be given to seeing that the State fulfills its responsibility. He enumerated certain failures on the part of the State as follows:

- (a) The findings of a juvenile court not kept confidential.
- (b) Juvenile court findings are many times presented to higher courts in felony cases.
- (c) Many investigative agencies, such as Civil Service and Military people want to know and find out what is in the juvenile court records.
- (d) In many instances the juvenile is fingerprinted and photographed by the police.
- (e) There is a lack of adequate detention facilities.
- (f) A lack of published rules and reports of the juvenile court (It is to be noted if this suggestion were followed, obviously there would be complete publication of all of the court findings and thus his original recommendation above would be defeated).

NOTE:

It would appear that in future meetings of the Family Law Section Judge Ketcham will be a strong advocate of juvenile matters to the exclusion of other court matters and will recommend without question that juvenile records be kept confidential and it would appear his recommendations would bear watching in the future.

HONORABLE O. D. HOWELL, JUDGE
JUVENILE AND DOMESTIC
RELATIONS COURT
TAMPA, FLORIDA

Recommended to ABA that law schools should teach juvenile court procedure and that Family Section of ABA should consider resolution in this respect.

American Bar Association
Resolutions were passed by ABA Family Law Section to recommend to State Bar Associations and law schools that courses and seminars be held regarding juvenile court procedures.

The following officers were elected for the coming year:

Chairman

[redacted]
Chattanooga, Tennessee

Vice Chairman

Paul W. Alexander
Toledo, Ohio

Secretary

[redacted]
Durham, North Carolina

F/OH d2 The two council seats for re-election were filled by the two persons presently holding those seats by re-election, namely: [redacted] Elizabeth, New Jersey, and [redacted] Meriden, Connecticut.

A number of resolutions were passed, all of which appear to be of no interest to the Bureau or its work. There were no statements other than those outlined above of interest to the Bureau.

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Miami, Florida
August 22, 1959

MEMO, SAC

RE: ADDRESS OF EDWARD BENNETT WILLIAMS
BEFORE JUNIOR BAR ASSOCIATION
CONFERENCE, FONTAINEBLEAU HOTEL,
AUGUST 22, 1959

In introducing Mr. WILLIAMS, the chairman mentioned that he was the lawyer for such people as GOLDFINE, COSTELLO, HOFFA and [REDACTED]

In beginning his speech, WILLIAMS made light of this introduction and commented that what persons mentioned, with the exception of [REDACTED] could not pass attendance before the Junior Bar Association. He mentioned that he recently attended a gathering given by JIMMY HOFFA at the Green Brier Hotel, which was also attended by 150 lawyers for the Teamsters Union. In anticipation of his speech before the Junior Bar Association, he said that he listened to suggestions by members present, but that he wanted it understood that he discarded all suggestions offered him by these attorneys.

He said that he wanted to review the activities of the past 10 years concerning Congressional investigations. He proceeded to cite examples of cases wherein Congressional Committees took the attitude that the rights a witness has are determined by the committee at the time the committee hears the witness. He said that the Congressional Committee Hearings have one simple common denominator, klieg lights, news reel cameras, radios, and a crowd; and, in addition, the person who excels in the publicity he is given. He said that too often witnesses are called

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to be castigated. He commented, however, the witnesses before the committee have generally been undeniably bad.

He next mentioned the Supreme Court decision handed down by Justice WARREN. To clarify the purpose of Congressional Committees, that is that they have no right to expose for the sake of exposure, and that their purpose is only for getting information for legislation. He stated, in a strong manner, that Congress has tried to repeal the Watkins Decision, and that Congress has treated the Watkins Decision with defiance.

He mentioned that the apex of Congressional Committee Hearings is to call a witness who knows nothing and to castigate him before the public. He next cited several senators. He mentioned that Senator GOLDWATER on August 11, 1957, before a television program, "Youth Wants to Know", was asked why the committee called JOHNNY DIO to testify, when it was self-evident that he would not tell the committee anything. He said that Senator GOLDWATER's reply was that before the committee subpoenas a witness the committee knows all the facts. He next commented that Senator IVES had said on one occasion that the powers of a Congressional Committee should be very broad and should not be limited in any manner.

WILLIAMS then read from what he said was a "guide. post" for Congressional Committee Hearings. Items mentioned were that the committee hearing was to provide news and that witnesses should be called who would make news, and that once the committee reached the point in the hearing where news was made, then the hearing should be adjourned. The committee should frequently adjourn to allow for better news coverage. The committee should not hold hearings less frequently than 24 to 36 hour intervals, as to do this would allow the "opposition" to prepare answers in rebuttal. WILLIAMS commented that, "they call the witnesses the opposition".

WILLIAMS then mentioned that the Congressional Committees say they have the right to function as a grand jury, and he quoted U. S. Senate Bill Number 21794, which said that the Supreme Court in the United States is the unwitting arm of the Communist Party.

WILLIAMS then made a brief reference to the FBI. He said that [] whom he described as not a popular fellow and one which he was not in any manner defending, appeared on a television show and was critical of the FBI. Immediately after the show, the Staff Director of the House Committee signed a subpoena calling [] before the committee. WILLIAMS paused at this point and said then that it is a sad thing when a man who dares to criticize one agency of the Government must go before a committee to defend himself.

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He next commented on the fact that it is unrealistic to believe that the Federal court will grant relief to witnesses. He said that Judge KAUFMAN in New York ruled that the court cannot hear antispitatory pleas. WILLIAMS sarcastically said, in other words "be indicted and then come to the Federal courts."

He mentioned that there is a definite need for some legislation to group the congressional committee bureaus. He said that Senator KEATING, in a Bill S1515, proposes that before a witness can be held in contempt it will be required that a court order be issued and that the witness be required to answer the court order. The court will then determine whether or not he is in contempt.

In closing, WILLIAMS mentioned that he would propose a Bill of Rights for witnesses before committees. It was not clear, but it is understood that he intended to propose this Bill of Rights on Sunday, August 23, 1959, at a committee hearing. He previously mentioned that he was a member of a Criminal Committee of the American Bar Association.

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This Bill of Rights consisted of the following ten items:

- (1) All subpoenas will be in writing and issued 48 hours in advance, and the mandate of subpoena will be for 10 days, not to last for a year or more.
- (2) No subpoena to be issued without the majority of the committee designating it, unless the chairman of the committee has delegated this authority.
- (3) Every witness will have the right to counsel appearing before the committee.
- (4) Every witness will have a right to prepare a statement for the record at a committee hearing.
- (5) No witness will be obliged to appear before a committee of two.
- (6) No television or other publicity stunts to be allowed at the committee hearing.
- (7) The witness should not be requested to repeat his testimony twice in open session of the committee. This serves merely to expose the witness.
- (8) All testimony to defame a witness should only be given in executive session, and only then released after the person defamed has been notified in advance and has an opportunity to appeal before the executive committee and cross-examine the witness.

- (9) No defamitory statements should be made public.
- (10) Witnesses should be permitted to inspect and correct testimony and should, at a nominal cost, be given a copy of the transcript.

Following the presentment of the above Bill of Rights, WILLIAMS stated that he believes that Congress is ready to accept such a bill, and that if the lawyers would back the bill it would pass.

WILLIAMS spoke from 2:55 PM to 3:40 PM. Following his address there was a brief question and answer period. One individual asked him if he would identify where he obtained the "guide post" for conducting committee hearings. WILLIAMS said that he would not document his source before the conference, but that he could document his source and that it was a current 1959 guide.

WILLIAMS was also asked if he meant that a witness should be given immunity from the press. He said that he did not mean this. He merely meant that he did not think it was fair to have the television cameras and radio tuned in during the period the witness was giving testimony, that to do this was to violate the witness's privilege to counsel. He said that certainly no witness has the privacy of counsel before television cameras.

It was noted that WILLIAMS was given an enthusiastic ovation when he was introduced before the conference; however, following his address it appeared that the ovation was less enthusiastic. The audience was intense throughout the address and would take in every word he said. No comments were overheard from any of the persons surrounding the writer.

FRANK J. SMITH
Special Agent

**OPEN SESSION SPONSORED BY
COMMITTEE ON BILL OF RIGHTS**

**3:15 p.m.,
August 26, 1959**

For a detailed discussion of this session and the address by Robert G. Storey, Vice-Chairman of the Civil Rights Commission, see the teletype to Bureau dated August 27, 1959. Also, the text of Dean Storey's address is included in the Appendix.

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CONFERENCE ON THE LAW AND THE LAYMAN

Panel B

9:30 a.m., August 25, 1959

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[redacted] This panel was called upon to discuss the personnel requirements for an effective traffic court. The moderator was [redacted] Executive Vice President, Dan River Mills, Danville, Virginia. Participating in the panel discussion were [redacted] General Counsel and Acting Director, Northwestern University Traffic Institute, Evanston, Illinois; Honorable Laurance M. Hyde, Judge, Missouri Supreme Court, Jefferson City, Missouri; [redacted] District Attorney, Kings County, Brooklyn, New York; and [redacted] Vice President and Director of News, WTVJ, Miami, Florida.

It is noted that during the course of this panel discussion, no mention was made of the Bureau. The question of a need for police education, however, was brought up. The general topics discussed by the panelists are as follows:

[redacted] at first exhibited a motion picture film showing the various types of traffic courts in the United States today, from the Justice of the Peace Court to the modern traffic court wherein a trained judge and court personnel presided. Following the motion picture film, [redacted] pointed out that the Justice of the Peace Courts, police traffic courts and all courts other than where a trained lawyer judge are present are inadequate to cope with today's traffic problems. He said it should be the ultimate goal that all traffic courts are staffed by legally-trained judges and appointed staff members.

[redacted] pointed out that the traffic courts throughout the country are antiquated. He again called for legally-trained judges to preside at the traffic courts. He mentioned that there are approximately 10,000,000 prosecutions

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annually and that full law enforcement of traffic violations would mean approximately 21,000,000 prosecutions annually. He mentioned that the traffic court problem is of prime importance and said that the traffic court is in the limelight of the public. It is the duty of the traffic court to educate and correct traffic violators rather than to punish them. He called upon the police officers, the prosecuting attorneys, the judges and the motor vehicle directors in each state to work as a team in commanding the respect of the general public for the traffic courts.

Laurance M. Hyde pointed out that in the State of Missouri courts at all levels now require that the judges be members of the Bar. He questioned whether a traffic judge should be elected or appointed. He favored the appointment of judges as he felt that an appointed judge can spend his full time on the bench not worrying about being re-elected. He sharply criticized the fee system and said this should not be tolerated. He likewise criticized the use of part-time judges. He said this was not desirable and did not make for an adequate court.

[redacted] said that, prior to his appearance before the panel, he received several questions regarding the traffic court set-up in New York City. He answered the following questions before the panel:

1. What is the requirement for the court personnel in New York City? He said that all employees of the courts in New York City are under Civil Service, with the exception of the judge of the court.

2. Should the prosecutor be present at all sessions of the traffic court? He mentioned that less than three per cent of the moving violations in New York City are contested and that, in view of this and the fact that most motorists appear in traffic court to plead guilty, it is not necessary

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for the prosecutor to be present at this time. The prosecutor is present whenever the violator will plead not guilty.

3. What function should the District Attorney perform? He said that it is the function of the District Attorney to fully investigate cases before him where there is a question of guilt involved. He pointed out it would be extremely difficult in general traffic violations for the District Attorney to add or detract anything from what the arresting police officer and the violator have said in the matter.

4. Are the judges in New York City rotated? He answered that the city magistrates in New York City are rotated weekly.

5. What can the citizens do to improve the traffic courts? He mentioned that the most they can do is bring to the attention of the courts weaknesses in the court system and, if they have evidence to present indicating that they are not guilty of a traffic violation, they should on their own gather such evidence and bring it to the court on first appearance.

[redacted] said that he represented the laymen at the panel. He said he was in agreement with the comments made by the aforementioned attorneys, but, in addition, wished to suggest that the traffic court judges not only be attorneys but be experienced and trained attorneys in traffic court matters. He digressed a bit and said there was no place for arrogant police officers and that there must be police courtesy. He specifically mentioned that in Dade County it is a police practice to set up road blocks to control traffic. He mentioned he feels this is a dictatorial practice. He challenged [redacted] regarding the presence of a District Attorney at all sessions of traffic courts. He mentioned he personally felt the District Attorney should be

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present at every session of the traffic court and not only to hear cases where a not guilty plea is entered. At this point, [redacted] interjected himself and mentioned he, too, felt that police officers should not be prosecutors in traffic courts. He mentioned that at the traffic school at Northwestern University, police officers are trained and that they are aware of the fact they are not prosecutors. He said he felt the police officers' days should be so arranged that their appearance in court will be assured whenever a case in which they are involved comes up.

[redacted], a member of the audience who was identified as a member of the ABA Traffic Court Committee from Philadelphia, introduced a [redacted] of the Philadelphia Traffic Court. [redacted] called upon citizen leaders and the American Bar Association to support a move for a "legal" traffic court throughout the country. He said the traffic courts in Philadelphia have, within the past two years, been changed so that now all traffic judges are attorneys. He said, as a follow-up to this, he would like to see all police officers better trained so that in appearances before traffic courts the general public would be impressed with all participants of the traffic court.

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[redacted] in summarizing the forum, mentioned that a problem which exists in the traffic courts does not exist in air, rail and water; that it is a problem peculiar to the highways. He called for an education of the general public, as well as the traffic courts, in bringing about a solution to the traffic court problem. He mentioned that the traffic courts present the first impression of the court system to the general public and that the traffic courts are the display windows of the judicial system. He said the judges should be trained and qualified lawyers and members of the court should be appointed and also qualified. He digressed a bit at this point and mentioned it is extremely important,

not only to the general public but specifically to the youth of the country, that the traffic courts be an example of the judicial system. He said the impression formed by the youth of the country carries with them and may be responsible for juvenile delinquency in the future.

**SPECIAL ASSEMBLY CALLED TO HONOR AND TO CLOAK
THE TRAFFIC JUDGES OF DADE COUNTY METRO COURT**

**12:30 p.m., Tuesday
August 25, 1959**

This special assembly presented the several newly elected Dade County Metro Judges. The judges were robed by Supreme Court Associate Justices Brennan and Stewart and Clark. In an address given by Mr. Justice Clark on this occasion, he stated the traffic court is the most important court in the judicial system because it is the court which the general public is most familiar with. The work of the traffic court and the impression it makes on the general public are vitally important as the entire judicial system may be judged through the eyes of the traffic court. He called for the judges to serve with dignity and honor.

Mr. Justice Brennan in substance repeated the comments made by Mr. Justice Clark.

Following the aforementioned program, Mr. Justice Clark and Mr. Justice Brennan appeared at a luncheon held at the Barcelona Hotel. Mr. Clark and Mr. Brennan, in a general discussion, again repeated the comments made concerning the importance of the traffic court in the United States.

Mr. Erle Stanley Gardner, identified as an author and lawyer, spoke briefly on the need for obedience to the law. In this talk he called upon the general public and members of the legal profession to serve the law obediently. No mention was made by Mr. Gardner of the Bureau.

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**SPECIAL SESSION FOR TRAFFIC COURT JUDGES,
PROSECUTORS AND PUBLIC OFFICIALS**

**3:30 p.m., Tuesday
August 25, 1959**

F-1041da
The Honorable Thomas N. Powers, Municipal Judge, Vice Chairman, Judicial Administration, American Bar Association, Akron, Ohio, presided. Other members participating in the panel discussion were [redacted] Manager, Research and Statistics Department, National Safety Council, Chicago, Illinois; James P. Economos, Director, Traffic Court Program, ABA, Chicago; Clark King, Law Enforcement Division, Corporation Councils Office, District of Columbia; Honorable J. J. Quillan, Municipal Judge, Portland, Oregon; and [redacted] Assistant to the Director, Traffic Court Program, ABA, Chicago, Illinois.

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[redacted] Judge Powers began the discussion by introducing [redacted] of the National Safety Council, who presented slides depicting statistics showing the trend in vehicle miles, death rates, and deaths. The statistics indicated that with prosperity traffic death tolls increase and that in the post-recession years, 1950 and 1955, motor vehicle traffic increased sharply, death rates increased slightly, and that there was a big increase in deaths. He said that thus far in 1959, another post-recession year, the trend is repeating this pattern and that, unless vigorous action is taken to reduce the fatality rate, this year's total may reach 40,000.

Following the presentation of the statistics, Judge Powers mentioned that the facts concerning the number of highway deaths were brought to the attention of the traffic judges present to sharply bring to mind the major problem which confronts the traffic courts in this country.

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During the course of the panel discussion, no mention was made of the Bureau. One reference was made by Clark King of the Law Enforcement Division to police officers in general. He remarked that the District of Columbia Traffic School, with which he is familiar, has proven that a number of police officers do not know the traffic regulations.

The comments made by the various speakers are as follows:

Mr. James P. Economos acted as moderator at this panel session. His comments were limited to the mention of the fact that a traffic court system now in existence in Dade County, Florida, is an excellent example of what can be done to improve the traffic courts when the people of the community get together with the American Bar Association to reorganize the traffic courts. It is noted that Mr. Economos was hired by Dade County at a sizeable fee to reorganize the Dade County courts and had just completed this job.

The Honorable J. J. Quillan called for the adoption of a uniform type complaint and summons. He said that this does away with ticket fixing and assures the general public that all traffic violators are treated alike without exception to the politicians and influential citizens. He mentioned that in his court, he attempts to make the penalty fit the crime, or rather fit the danger involved in a traffic accident. He called for severe action on the part of the judges in curbing traffic violators and mentioned that the court should repeat over and over again the danger of traffic violations.

Mr. Clark King mentioned that he thought the traffic problem has been brought about by a lack of knowledge on the part of the general public as well as even the police officers and the courts. He proposed that an education program be instituted whereby persons renewing their permit to drive be requested to submit answers to current questions proposed by the traffic judges in the local area. He mentioned that the

very fact the questions were put to the drivers would make them think and would, in effect, educate them to the problems involved.

The Honorable Thomas N. Powers called for traffic safety education for the general public and specifically for high school students. He mentioned that statistics have proven where the driving schools are conducted by high schools the traffic accident rate drops considerably. He said that following a period of education he next then proposed that drivers' licenses be suspended for persons convicted of serious traffic violations.

Miss Lillian Banahan spoke of the visitor violator program. She called upon the ABA to promote a go to court as a visitor rather than violator program. She said the experience gained by visitors in traffic courts would serve them well in preventing accidents. She also called upon the ABA members to enlist their wives to work with the women's clubs of America. She pointed out that the women of America can and are assisting in combating the traffic violation problem.

An individual identified as Judge Demopolis from Oklahoma City said that statistics indicate juveniles are responsible for the most hazardous traffic violations. He said that parents have done a poor job in preparing juveniles. He mentioned that it is his experience that thirty per cent of the time of the traffic judge is spent with people who want to have tickets fixed. He called for the acceptance of the uniform traffic ticket to end this. He said there is a total lack of humility on the part of violators and called for the ABA to publicize the fact that traffic violators are socially unacceptable.

A pamphlet, "National Standards for Improving the Administration of Justice in Traffic Courts," was prepared for the Conference on The Law and the Layman. This pamphlet has been obtained.

present at every session of the traffic court and not only to hear cases where a not guilty plea is entered. At this point, Mr. Donigan interjected himself and mentioned he, too, felt that police officers should not be prosecutors in traffic courts. He mentioned that at the traffic school at Northwestern University, police officers are trained and that they are aware of the fact they are not prosecutors. He said he felt the police officers' days should be so arranged that their appearance in court will be assured whenever a case in which they are involved comes up.

Mr. J. Henry Lamm, a member of the audience who was identified as a member of the AAA Traffic Court Committee from Philadelphia, introduced a Mr. Dave Berger of the Philadelphia Traffic Court. Mr. Berger called upon citizens leaders and the American Bar Association to support a move for a "legal" traffic court throughout the country. He said the traffic courts in Philadelphia have, within the past two years, been changed so that now all traffic judges are attorneys. He said, as a follow-up to this, he would like to see all police officers better trained so that in appearance before traffic courts the general public would be impressed with all participants of the traffic court.

Mr. Basil Browder, in summarizing the forum, mentioned that a problem which exists in the traffic courts does not exist in air, rail and water; that it is a problem peculiar to the highways. He called for an education of the general public, as well as the traffic courts, in bringing about a solution to the traffic court problem. He mentioned that the traffic courts present the first impression of the court system to the general public and that the traffic courts are the display windows of the judicial system. He said the judges should be trained and qualified lawyers and members of the court should be appointed and also qualified. He discussed a bit at this point and mentioned it is extremely important,

very fact the questions were put to the drivers would make them think and would, in effect, educate them to the problems involved.

The Honorable Thomas M. Powers called for traffic safety education for the general public and specifically for high school students. He mentioned that statistics have shown where the driving schools are conducted by high schools the traffic accident rate drops considerably. He said that following a period of education he next then proposed that drivers' licenses be suspended for persons convicted of serious traffic violations.

Miss Lillian Hansen spoke of the visitor violator program. She called upon the ABA to promote a go to court as a visitor rather than violator program. She said the experience gained by visitors in traffic courts would serve them well in preventing accidents. She also called upon the ABA members to enlist their wives to work with the women's clubs of America. She pointed out that the women of America can and are assisting in combating the traffic violation problem.

An individual identified as Judge Penobscot from Oklahoma City said that statistics indicate juveniles are responsible for the most hazardous traffic violations. He said that parents have done a poor job in preparing juveniles. He mentioned that in his experience that thirty per cent of the time of the traffic judge is spent with people who want to have tickets lifted. He called for the acceptance of the uniform traffic ticket to end this. He said there is a total lack of humility on the part of violators and called for the ABA to publicize the fact that traffic violators are socially unacceptable.

A pamphlet, "National Standards for Improving the Administration of Justice in Traffic Courts," was prepared for the Conference on the Law and the Lawyer. This pamphlet has been obtained.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR

DATE: 9/4/59

FROM : CLYDE TOLSON

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/3/85 BY SP6 Bja/mle

SUBJECT:

Tolson _____
Belmont _____
DeLoach _____
McGuire _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

L. B. Nichols called from New York. He stated the American Bar Association is holding its mid-winter meeting at Memphis, Tennessee; that one session is being put on by the Criminal Law Section and they have listed Samuel Dash to discuss electronics, eavesdropping and wiretapping and their use. He did not know who in the Section was responsible for getting Dash listed on the Program. Dash has written a book on this subject and doubtless this is an attempt on his part to further the sales of the book.

They wanted someone to present the law enforcement viewpoint on this subject matter and suggested that Nichols be designated. He wanted to know what we thought of the matter. I told him that personally I did not think he should do it; that while I would speak to you about it and if you had no different views I would let him know, I did not think that anyone should dignify Dash by attempting to argue with him in this field.

Mr. Nichols also referred to the True Magazine article. He stated he was going to write a note to someone connected with the publication taking them on for the statements made in the article.

Mr. Nichols also stated that Morris Ernst has already appeared in Executive Session before the Senate Internal Security Subcommittee on the DeGalindez case. I told him it was my understanding that he was going to testify in October but that we would be interested and would check to determine whether he has appeared in Executive Session so we could see what he had to say about the case and whether he made any references to the Bureau. I have spoken to Mr. Belmont about this.

CT:DSS

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60 SEP 23 1959

CRIME RECORDS

SEP 23 1959

FBI - NEW YORK